

United States 17
Circuit Court of Appeals
For the Ninth Circuit.

RAYMOND H. JEHL,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.

Transcript of Record

Upon Appeal from the District Court of the United
States for the Northern District of California,
Southern Division.

FILED

DEC - 9 1941

PAUL P. O'BRIEN,
CLERK

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in *italic*; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in *italic* the two words between which the omission seems to occur.]

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(INDICTMENT)

No. 27235-S

In the Southern Division of the United States
District Court for the Northern District
of California

First Count: (R. S. 3258) 26 USCA 2810(a);

In the March 1941 term of said Division of said
District Court, the Grand Jurors thereof, upon their
oaths present:

That

RAYMOND H. JEHL,

TONY RODRIGUES, and

LESTER A. WOODWORTH,

(hereinafter called "said defendants"), on the 28th
day of August, 1940, at a place known as the E. A.

Hall Ranch, Route 1, Box 77A, Watsonville, Santa Cruz County, State of California, within said Division and District, knowingly had in their possession and custody and under their control for the distillation of alcohol, a still and distilling apparatus set up without having registered the same in the manner prescribed by Section 2810 (a) of the Internal Revenue Code.

Second Count: (R. S. 3259) 26 USCA 2812:

And the said Grand Jurors, upon their oaths, do further present: That at the time and place described in the first count of this indictment said defendants were engaged in the business of a distiller of alcohol, and then and there wilfully failed to give the notice prescribed by Section 2812 of The Internal Revenue Code.

Third Count: (R. S. 3260) 26 USCA 2814 (a) (1);

And the said Grand Jurors, upon their oaths, do further present: That at the time and place described in the first count of this indictment said defendants having then and there commenced the business of distillers of alcohol, wilfully failed to give the bond prescribed by Section 2814 (a) (1) of the Internal Revenue Code. [1*]

Fourth Count: (R. S. 3281) 26 USCA 2833 (a);

And the said Grand Jurors, upon their oaths, do further present: That at the time and place described in the first count of this indictment said defendants wilfully engaged in and carried on the

*Page numbering appearing at foot of page of original certified Transcript of Record.

business of a distiller of alcohol, with intent to defraud the United States of the tax on the spirits distilled by them.

Fifth Count: (R. S. 3282) 26 USCA 2834;

And the said Grand Jurors, upon their oaths, do further present: That at the time and place described in the first count of this indictment, in a building and on premises at said place, said defendants knowingly made and fermented mash, wort and wash, fit for distillation and for the production of alcohol, other than in a distillery duly authorized according to law.

Sixth Count: (R. S. 3282) 26 USCA 2834;

And the said Grand Jurors, upon their oaths, do further present: That at the time and place described in the first count of this indictment, said defendants, not then nor there being authorized distillers, knowingly separated by distillation the alcoholic spirits from fermented mash, wort and wash.

Seventh Count: 26 USCA 3321;

And the said Grand Jurors upon their oaths do further present: That at the time and place described in the first count of this indictment said defendants did then and there unlawfully, wilfully and knowingly deposit and conceal certain goods and commodities, to-wit, approximately 10 gallons of alcohol, and 100 gallons of whiskey, upon which said goods and commodities there were then and there imposed certain taxes under the Internal Revenue

laws of the United [2] States; that said taxes imposed as aforesaid were then and there due and unpaid to the United States, and the said goods and commodities were deposited and concealed as aforesaid by said defendants with intent then and there to defraud the United States of said taxes;

Eighth Count: 26 USCA 3320;

And the said Grand Jurors upon their oaths do further present: That at the time and place described in the first count of this indictment said defendants then and there knowingly and wilfully did have in their possession with intent to sell the same in fraud of the Internal Revenue laws of the United States the said goods and commodities described in the Seventh Count of this Indictment upon which there were then and there due, imposed and unpaid certain taxes to the United States of America.

Ninth Count: 18 USCA Section 88

And the said Grand Jurors upon their oaths aforesaid do further present: That said defendants, at a time and place to said Grand Jurors unknown, did knowingly, wilfully, unlawfully, corruptly and feloniously conspire, combine, confederate, arrange and agree together, and with divers other persons whose names are to the Grand Jurors unknown, to commit offenses against the United States of America, and the laws thereof, the offenses being to knowingly, wilfully, unlawfully, and feloniously violate the Internal Revenue laws of the United States

(1) By possessing and controlling for the dis-

tillation of alcohol a still and distilling apparatus set up, without having registered the same in the manner prescribed by law;

(2) by engaging in the business of distillers of alcohol without having given the notice prescribed by law; [3]

(3) by having commenced the business of distillers of alcohol, having wilfully failed to give the bond prescribed by law;

(4) by engaging in and carrying on the business of distillers of alcohol with intent to defraud the United States of the taxes on the spirits distilled by them;

(5) by knowingly making and fermenting mash, wort and wash fit for distillation and for the production of alcohol in a building and on premises other than in a distillery duly authorized according to law;

(6) by separating by distillation, alcoholic spirits from fermented mash, wort and wash without being registered distillers;

(7) by removing, concealing and depositing tax unpaid distilled spirits with intent to defraud the United States of the tax imposed thereon;

(8) by possessing, buying, selling, transferring and transporting distilled spirits in immediate containers not having thereto affixed the stamps prescribed by law denoting the quantity of spirits therein and evidencing payment of all Internal Revenue taxes imposed thereon;

(9) by removing to and depositing in premises

other than an Internal Revenue Bonded Warehouse tax unpaid distilled spirits;

(10) by having in their possession and custody tax unpaid distilled spirits for the purpose of selling the same in fraud of the Internal Revenue laws and with design to avoid payment of the tax imposed thereon;

(11) and by carrying on the business of wholesale liquor dealers without having paid the special tax therefor as required by law. [4]

And the said Grand Jurors, upon their oaths aforesaid, do further charge and present that in pursuance of, and in furtherance of, in execution of, and for the purpose of carrying out and to effect the object, design and purposes of said conspiracy, combination, confederation and agreement aforesaid, the hereinafter named defendants did at the times hereinafter set forth, commit the following overt acts within the Southern Division of the Northern District of California, and within the jurisdiction of this Court:

1. On or about March 9, 1940, in the City of Watsonville, County of Santa Cruz, State of California, said defendants Tony Rodrigues and John A. Woodworth signed a lease for the premises known as the Hall Ranch, Route 1, Box 77A, Watsonville, California.

2. On or about April 2, 1940 in the City of Watsonville, County of Santa Cruz, California, said defendant Lester A. Woodworth signed an application for electric service for the premises known as the

Hall Ranch, Route 1, Box 77A, Watsonville, California.

3. On or about June 15, 1940 said defendant Raymond Jehl bought ten 100-lb. sacks of sugar from the Independent Grocery Company, located at 169 Main Street in the City of Watsonville, County of Santa Cruz, California.

4. On or about August 28, 1940 said defendant Tony Rodrigues operated a still at a place known as the Hall Ranch, Route 1, Box 77A, Watsonville, California.

FRANK J. HENNESSY

United States Attorney

Approved as to Form:

R. B. McM.

[Endorsed]: A true bill, Edward J. Dollard, Foreman. Presented in Open Court and Ordered Filed May 6, 1941. Walter B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [5]

[Title of District Court and Cause.]

VERDICT

We, the Jury, find Raymond H. Jehl, the defendant at the bar

Guilty on Count No. 1

Guilty on Count No. 2

Guilty on Count No. 3

Guilty on Count No. 4

Guilty on Count No. 5

Guilty on Count No. 6

Guilty on Count No. 7

Guilty on Count No. 8

Guilty on Count No. 9

WALTER F. TITUS

Foreman

[Endorsed]: Filed, June 27th, 1941, at 3:40 P.M.
Walter B. Maling, Clerk. By C. W. Calbreath,
Deputy Clerk. [6]

District Court of the United States Northern Dis-
trict of California Southern Division

No. 27235-S Criminal Indictment in Nine Counts
for violation of (R. S. 3258) 26 USCA 2810(a);
(R. S. 3259) 26 USCA 2812; (R. S. 3260) 26
USCA 2814(a)(1); (R. S. 3281) 26 USCA
2833(a); (R. S. 3282) 26 USCA 2834; 26
USCA 3321, and 3320; 18 USCA Sec. 88.

UNITED STATES

v.

RAYMOND H. JEHL

JUDGMENT AND COMMITMENT

On this 27th day of June, 1941, came the United
States Attorney, and the defendant, Raymond H.
Jehl, appearing in proper person, and by counsel
and,

The defendant having been convicted on verdict

of guilty of the offenses charged in the Indictment in the above-entitled cause, to-wit:

Count One, possessing an unregistered still in violation of § 2810(a) of the Internal Revenue Code;

Count Two, engaging in the business of a distiller of alcohol and wilfully failing to give the notice required by § 2812 of the Internal Revenue Code;

Count Three, wilfully failing to give the bond prescribed by §2814(a)(1) of the Internal Revenue Code;

Count Four, distilling, with intent to defraud the United States of the tax on the spirits distilled in violation of §2833(a) of Internal Revenue Code;

Count Five, knowingly making fermented mash and wort fit for distillation in violation of §2834 of the Internal Revenue Code;

Count Six, knowingly separating by distillation alcoholic spirits from fermented mash in violation of §2834 of the Internal Revenue Code;

Count Seven, depositing and concealing alcohol and whiskey upon which taxes had been imposed, with intent to defraud the United States in violation of §3321 of the Internal Revenue Code;

Count Eight, possessing alcohol and whiskey with intent to sell in fraud of law in violation of §3320 of the Internal Revenue Code;

Count Nine, conspiring to violate the Internal Revenue Laws of the United States in violation of 18 USCA §88.

The indictment charges that the offenses alleged

therein were committed on the 28th day of August, 1940, at a place known as the E. A. Hall Ranch, Route 1, Box 77A, Watsonville, Santa Cruz County, State of California, within said Division and District.

And the defendant having been now asked whether he has anything to say why judgment should not be pronounced against him, and no sufficient cause to the contrary being shown or appearing to the Court, It Is by the Court

Ordered and Adjudged that the defendant, having been found guilty of said offenses, is hereby committed to the custody of the Attorney General for imprisonment in an institution of the Penitentiary type to be designated by the Attorney General or his authorized representative, [7]

Upon Count One of the Indictment for the period of Two (2) Years and to pay a fine to the United States in the sum of One Hundred and No/100 Dollars (\$100.00) and to pay a penalty of Five Hundred and No/100 Dollars (\$500.00);

Upon Count Two of the Indictment to pay a fine to the United States in the sum of One Hundred and No/100 Dollars (\$100.00) and to pay a penalty of One Thousand and No/100 Dollars (\$1,000.00);

Upon Count Three of the Indictment for the period of Two (2) Years and pay a fine to the United States in the sum of Five Hundred and No/100 Dollars (\$500.00);

Upon Count Four of the Indictment for the period of Two (2) Years and pay a fine to the United

States in the sum of One Hundred and No/100 Dollars (\$100.00);

Upon Count Five of the Indictment for the period of Two (2) Years and to pay a fine to the United States in the sum of Five Hundred and No/100 Dollars (\$500.00);

Upon Count Six of the Indictment for the period of Two (2) Years and to pay a fine to the United States in the sum of Five Hundred and No/100 Dollars (\$500.00);

Upon Count Seven of the Indictment for the period of Three (3) Years;

Upon Count Eight of the Indictment to pay a penalty to the United States in the sum of Five Hundred and No/100 Dollars (\$500.00);

Upon Count Nine of the Indictment for the period of Two (2) Years;

It Is Further Ordered that the periods of imprisonment imposed on the defendant on Counts One, Three, Four, Five, Six, and Nine, run concurrently; that the period of imprisonment imposed on the defendant on the Seventh Count of the Indictment begin and run from and after the expiration or execution of the periods of imprisonment imposed on the defendant on Counts One, Three, Four, Five, and Six of the Indictment;

It Is Further Ordered that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified of-

ficer, and that the same shall serve as the commitment herein.

A. F. ST. SURE

Judge

Entered and Filed this 27th day of June, 1941.

WALTER B. MALING,

Clerk

By C. W. CALBREATH

Deputy Clerk

Examined by:

W. F. MATHEWSON

Assistant United States
Attorney

Entered in Vol. 32 Judg. and Decrees at Page
451-452. [8]

[Title of District Court and Cause.]

BILL OF EXCEPTIONS OF DEFENDANT,
RAYMOND H. JEHL

Be It Remembered that heretofore and during the March 1941 term, the Grand Jury of the United States in and for the Northern District of California, First Division, did present and return in and before the above entitled Court its indictment against the above named defendant; that said indictment was filed in said Court and thereafter said defendant was duly arraigned as shown by the record on file in the above entitled Court; and

Be It Further Remembered that thereafter the defendant entered a plea of not guilty and that on

June 24, 1941, the above entitled cause proceeded to trial before the Honorable A. F. St. Sure, United States District Judge, before a jury, the United States being represented by the Honorable Frank J. Hennessy, United States Attorney in and for the Northern District of California and Valentine Hammack, Esq., Assistant United States Attorney, and the defendant being represented by James B. O'Connor, Esq., and Sol A. Abrams, Esq., said cause having been called for trial, the Court directed the filling of the jury box with proposed jurors. Thereafter, the Court [9] stated the nature of the case and questioned the jurors as to their qualifications, at the conclusion of which challenges having been exercised both by the United States and by the defendant, the jury was duly empanelled and sworn to try the cause.

Thereupon, the jury having been sworn, the United States to maintain the issues on its part to be maintained called as its first witness Sam G. Byrd.

Testimony of

SAM G. BYRD

for the United States

Sam G. Byrd, produced as a witness on behalf of the United States, having been first duly sworn, testified substantially as follows:

My name is Sam G. Byrd and I am an investigator of the Alcohol Tax Unit of the United States Treasury Department. In connection with my duties

(Testimony of Sam G. Byrd.)

at times I act as a photographer for the Department. On August 28th, 1940 I had occasion to go to the E. A. Hall Ranch which is on Route 1, Box 77-A about three miles from Watsonville, California. When I arrived at the premises I saw there an alcohol distillery, together with mash vats. At that time I took pictures of the distillery and vats. Again on June 20th, 1941 I went to the premises in question and took more pictures. The picture you showed me marked in red ink "1" is the picture of a copper still with column and that picture was taken inside of the barn on the premises in question on the 29th day of August, 1940. The picture you show me marked "2" is the upper part of the still known as the condenser, taken at the same time and place. The picture you show me marked "3" is a picture of the mash vats taken on the same premises at the same time and place. The picture you show me marked "4" is the barn in which the still was located, taken at the same time and place.

[10]

Whereupon, the pictures that had been identified by the witness were offered and received in evidence as U. S. Exhibits, 1, 2, 3 and 4.

The picture you now show me is a picture of the ranch premises consisting of the ranch residence, the tank-house and the barn in which the still was located. That picture was taken on the 20th day of June, 1941. That picture reflects the same position and condition that existed on these premises on

(Testimony of Sam G. Byrd.)

August 29, 1940. The tank-house, barn and living house are in the same position when this picture was taken as they were on August 29, 1940. These pictures represent the position and condition of the buildings they denote as they existed on August 29th, 1940. Whereupon, the photographs identified by the witness were received in evidence as U. S. Exhibits 5 and 6.

Cross Examination

Government's Exhibits 1, 2, 3 and 4 which show the still and the barn from the outside with the doors open were taken by me. At the time of taking the pictures, I opened the door to the barn. When the door is closed, no part of the still can be seen. However, when the door is open, part of the still can be observed.

Testimony of

CLAY GAINES

Clay Gaines, produced as a witness on behalf of the United States, having been first duly sworn, testified substantially as follows:

My name is Clay Gaines and I am a special investigator of the Alcohol Tax Unit of the Bureau of Internal Revenue and I was so employed in the month of August, 1940 and have been with that Department of the United States Government since 1928.

(Testimony of Clay Gaines.)

On August 28, 1940 I had occasion to go to the E. A. Hall ranch [11] outside of Watsonville. I went there about nine o'clock in the evening and was accompanied by Special Investigator Johnson, Investigator Harkins of the Alcohol Tax Unit, Investigator Beck and Special Investigator Farley of the State Liquor Control Division. At considerable distance from the E. A. Hall ranch we could get an odor of distillation and could also hear a burner. That would be approximately from 250 to perhaps 300 or 400 feet from the barn where the still was finally seized. I first got the odor of distillation when I was about 300 feet away, at least and I detected the sound of the burner approximately 250 feet away from the barn. We thereupon entered the barn and seized the distillery. The sound and smell that we obtained prior to entering the barn was not obtained on the E. A. Hall ranch, but was obtained from the property adjoining it. We thereupon went into the barn from the car and found this illicit distillery and arrested Tony Rodrigues who was in the upper part of the building mixing mash. I identified the defendant in court, Tony Rodrigues, as the person we saw in the barn that evening. At the time of entering this barn, the distillery was actually in operation. The still which we found was what is commonly known as a 500-gallon capacity pot cooker type and it was capable of producing about 500 gallons of alcohol a day. However, at the time it was seized it was not doing

(Testimony of Clay Gaines.)

that much because the mash capacity of the still was only 6000 gallons and they were actually producing about 160 gallons of alcohol a day, that is high proof alcohol. The still itself was located toward the front of the barn in a pit that was dug out and the column extended through the first floor into the second floor of the building and the mash vats were on the second floor. There were three 2000-gallon capacity vats and they were full. [12] We also found 110 gallons of alcohol, that is first run alcohol which we call whiskey. We also found motors, can and sugar and pipe and all of the necessary equipment to operate an illicit distillery. The electricity came to the barn from an underground cable which ran from the tank-house, it ran underground from the tank-house to the barn and then inside the barn and then was wired overhead. We also found an underground water supply system which ran from the tank-house about approximately 75 to 85 feet to the barn. From the corner of the distillery the mash was disposed of by a pipe which ran at an angle, perhaps 300 feet and emptied into an old lake bed that is back of the barn. At the time of the seizure of the distillery there was no water in the lake. The pipe that I refer to carried the mash from the lake, ran underground. We also found two or three hundred-gallon oil drums. A fuel line ran from the tank-house underground to the still.

(Testimony of Clay Gaines.)

About midnight of the night of the seizure of the still, the defendant Woodworth drove into the premises with his wife and a lady, I understood to be his stepdaughter and he was placed under arrest at that time. We placed him under arrest and took him into the still barn and there we questioned him. Woodworth stated that he had leased the premises to an Italian whom he could not describe and that he had seen him but the one time when he leased the premises to him. When I say the premises, I mean the barn. They leased it for \$20.00 a month and at first, Woodworth claimed he had no knowledge whatsoever of the still being operated in the premises. After we had talked to Woodworth for approximately thirty to forty minutes he made a statement in which he said, "We have had a lot of trouble with the still and have had to shut it down." The still did not occupy the entire part of the barn. [13] Directly bank of the still there was a partition and then there was a little runway with a small hole cut in the door, probably three feet square and there were a couple of pigs in there. The hole was cut in an old door, I imagine that it was not more than three feet square, just large enough for the pigs to go in and out.

This still was operated illegally and was not operated by permit nor was it operated under the regulations of the Internal Revenue Department. There were no tax stamps on the 110 gallons of whiskey that we found there. The taxes on 160 gallons of

(Testimony of Clay Gaines.)

alcohol would be about \$900.00 to \$1000.00 a day. I would estimate the cost of putting up a still of the type we found on the Hall ranch would be approximately between two and three thousand dollars, perhaps \$2500.00.

Cross-Examination

I am familiar with U. S. Exhibit 7 which is a drawing. I refer to the drawing which it has just been stipulated it might be introduced in evidence. The drawing which you show me depicts the position of the various buildings which were on the ranch on that day, that is, the tank-house and the barn, the barn being marked 24 feet by 29 feet. There is a road that is shown on this drawing which runs from the highway and which goes up to the house. There is also a road which goes from the house up towards the barn. When we entered these premises on the night in question we did not come up the road by the house but entered about a quarter of a mile back of the barn and came across an open field. I would say that we came upon the premises from a point about a quarter of a mile south of the barn; in an easterly direction from the premises there is some rolling country. About three or four miles easterly from these premises is the so-called Hecker Pass that goes to Gilroy and Morgan Hill. About two or three [14] hundred feet away from the premises in a westerly direction is a lake surrounded by more or less of a rolling terrain.

(Testimony of Clay Gaines.)

When Mr. Woodworth drove into the premises at about midnight, he drove up directly to the side of the house which is on the westerly side of the barn. We placed Mr. Woodworth under arrest and his wife and stepdaughter went into the house. Mr. Woodworth did not tell us that Rodrigues had rented the barn to an Italian. Mr. Woodworth did not say to us, "They have had trouble with the still, that it had broken down", what he did say was, "We have had trouble". I made a note of what he told me at that time. At that time he substantially told me that he had no interest whatsoever in the still and I asked him how he could possibly live on the premises within a hundred or a hundred fifty of it and not know there was a still there, but he said that he did not know there was a still there at any time. I don't recall exactly what the balance of the conversation was, but I do recall that during the course of the conversation, he said, "We had trouble with the still", and I wrote that down. Outside of the barn there was a runaway in a door with a hole cut through it for the purpose of permitting the pigs to come in. Outside there were troughs for the purpose of feeding the pigs. At the time we placed Woodworth under arrest, he was dressed substantially as he is now, that is, with Western clothing. The electric wiring ran overhead from the highway to the house and from the house to the tank-house and then it ran underground from the tankhouse to the barn. I testified at the last trial

(Testimony of Clay Gaines.)

that the wiring from the house to the tank-house was underground, but I was incorrect. The electric wiring from the house to the tank-house was over-ground. The house where the Woodworths live was a very small shack. I do not recall Woodworth telling us that he and Rodrigues [15] had originally leased the premises for the purpose of raising hogs. After you call my attention to my testimony at the former trial, I now state that it appears in the transcript at the former trial that I said that he told me they were going to use the place to raise pigs, that he must have so told me. We did not make a search of the house that Woodworth lived in. I personally did not find any clothing on the premises. The questioning of Woodworth took place in the barn. We questioned Woodworth for about thirty minutes, then later there was casual conversation with him that took about an equally period of time. We were about three hundred feet away from the still when we got the odor of distillation and about fifty feet closer when we heard the noise of the burner. During the conversation that I had with Mr. Woodworth on the night of the seizure of the still he did not tell me that he had been engaged in hauling scrap iron, but he did tell me that at a later time in Salinas.

Redirect Examination

I was upon the premises in question on the day after the still was seized. From my observation there were no farming activities on the premises.

Testimony of
CHARLES B. HALL

Charles B. Hall, produced as a witness on behalf of the United States, having been first duly sworn, testified substantially as follows:

My name is Charles B. Hall and I live in Watsonville, California, and am engaged in the real estate and insurance business and was so engaged on or about the 1st day of March, 1940. My father owns a ranch right outside of Watsonville which is known as the E. A. Hall Ranch. [16] This ranch is situated about three miles from Watsonville. In April or March of 1940 we leased this ranch to Mr. Rodrigues and Mr. Woodworth, both of whom I identify as being two of the defendants now on trial. We talked to Woodworth and Rodrigues in our office concerning the leasing of these premises. The lease that you show me which is dated March 9, 1940 is the lease that they entered into with us at that time. At that time they told us they were going to use the ranch for a hog ranch, that they were going to raise corn and beans and hogs. From the time they started to build the house on the ranch until the still was seized, I was out to the premises about eight times. On most of the occasions when I went to the premises, I saw Mr. Woodworth. After the house had been built, on several occasions I went out there and asked Mr. Woodworth when they were going to start ranching. I did not see any corn or beans planted there but I did see two hogs on

(Testimony of Charles B. Hall.)

the premises. When I questioned Woodworth as to why he was not farming the place, he told me on one occasion that it was too wet and then later when I went out there about two weeks later, he said it was too dry.

Cross Examination

I first talked to Rodrigues about the leasing of the premises and did not know Woodworth until the day the lease was signed. They told me that they intended to raise hogs on this ranch. I do not recall that they told me that they were trying to get a garbage disposal contract from Camp McQuaide. I won't say they did tell me that or won't say that they did not. As far as I remember, from the time I leased the premises until August 28, 1940 I was upon the premises about six or eight times. I used to go out there with my father for the purpose of getting some eucalyptus that my father used to feed some parrakeet [17] birds that he had in his backyard. I was to receive our first payment for rent on July 1st, 1940. The total rent was to be \$175.00 for ten months. The lease was entered into on March 9, 1940 and the first payment of \$100.00 was to be made on July 1st, 1940 and the second payment of \$75.00 on December 1st, 1940. I saw Mr. Woodworth at the premises when the house was built. The first payment of \$50.00 was made on July 8 and the second payment was made on August 13th. I did not speak to Mr. Woodworth after August 13th about the lack of farming, because it was too late. I do not

(Testimony of Charles B. Hall.)

know whether Mr. Woodworth spoke to my father about raising hogs on the ranch but I imagine he did. Mr. Woodworth continued to live on the premises in question until the expiration of the lease which was in December, 1940. Under the terms of the lease Woodworth and Rodrigues had the right to remove the house they had built upon the expiration of the lease. However, if we so desired, we could retain the house on the premises by paying them the actual cost of the lumber. The house was not removed from the premises because we brought suit for damages and attached the property. I think it was approximately six weeks before the still was raided that we were last upon the premises. When we entered the premises we would drive up to the house on the road from the highway that entered the ranch. We never went into the house, but were practically at the house. They had a dog there and I did not like the looks of it so I never went into the place. I possibly went by the tank-house. At no time while I was on these premises did I smell the distillation of alcohol nor did I smell mash but if I had it, there would have been something doing, nor did I at any time hear any unusual noise upon the premises nor did I at any time observe a still in operation. [18]

Redirect Examination

The dog that was on the premises was a big police dog. On one occasion I was told that it was too dry

(Testimony of Charles B. Hall.)

to farm and later I was told it was too wet. I made an investigation of my own. I went down to look at the cow barn and there was nothing in there but a horse. The place was not farmed and it looked like a wreck.

Recross Examination

On occasions when we went there, we would take old cans with us and dump them on the premises. The other barn that I refer to was about 100 or 150 yards below the lake. We used to have a pumping plant there, but we took that out and there was a big pit there and it caved in and we used to go down and fill in cans there.

Testimony of

FRANK THOMAS

Frank Thomas, produced as a witness on behalf of the United States, having been first duly sworn, testified substantially as follows:

My name is Frank Thomas and I am the District Manager of the Coast Counties Gas & Electric Company and was such during the year 1940. I have brought with me some original records in connection with service on April 2nd, 1940 for Route 1, Box 78 in Watsonville. This document which you show me is an application for electric service under the name of L. A. Woodworth, address, Route 1, Box 78. The other document that you show me is a meter reading

(Testimony of Frank Thomas.)

slip for the same address. The first meter reading started on April 2nd, 1940. For the first three months, the meter readings were normal and during July and August they were above normal. July ran 223 kilowatts and June ran only 70 kilowatts.

Whereupon the application for service and the meter reading [19] slips were offered in evidence and received as U. S. Exhibit 9.

Testimony of

EDWARD C. HARKINS

Edward C. Harkins, produced as a witness on behalf of the United States, having been first duly sworn, testified substantially as follows:

My name is Edward C. Harkins and I am an investigator with the Alcohol Tax Unit of the United States Internal Revenue Bureau and I was employed as such during the year 1940. On the 28th day of August, 1940, together with other investigators, I had occasion to go to the E. A. Hall ranch near Watsonville. We went there about 9:45 in the evening of that day. Special Investigator Johnson and State Officer Beck and myself left the others in the party and walked about a mile to the ranch and circled the buildings on the ranch. There were several buildings on the ranch, a small house, a tank-house and a barn and a couple of sheds. We circled around to the north at some distance, and then ap-

(Testimony of Edward C. Harkins.)

proached the barn from the rear. Our intention was to locate what building the still was in definitely, and determine whether it was in operation at the time. We found that the still was in the barn and that it was in operation. I *as* about 500 feet away when I first got the odor of fermenting mash and distillation, and at that time I could hear the noise of a pump. As we approached closer I could hear the noise of the burner or the various noises of the still in operation. We then returned to meet the other officers and we informed them that we had located the still and that it was in operation. After that we returned and surrounded the barn and Johnson and myself entered the barn and arrested Tony Rodrigues, whom I identify as being one of the defendants on trial. In the barn we found a 500-gallon [20] capacity still with a column about twenty feet long and 6000 gallons of mash with two, what we call, runoff tanks, one about 100 gallons capacity and the other about 300 gallons capacity, and there was a mixing vat, hydrometer, hose, sugar, yeast and all the other things connected with the operation of a still. Investigator Johnson was with us on that occasion and has been transferred to Alabama and is no longer located in this district. The map which you show me was drawn by me and is fairly accurate from the measurements that I made. On this map I indicate to you the house and the tank-house. The distance from the house to the tank-house is 44 feet and the distance from the

(Testimony of Edward C. Harkins.)

tank-house to the barn is about 76 feet. The distance from the house itself to the barn where the still was is approximately 128 feet. The barn is a two-story barn and the vats were upstairs in the attic. There was a solid *petition* in the barn and in that *petition* was a pig pen in which were two pigs. I would say that the corral would be about 30 feet square and about 50 feet long. That evening we arrested the defendant Woodworth shortly after midnight. We had arrested the defendant Rodrigues about 11:15 at night and shortly after midnight State Officer Farley and I arrested Woodworth when he entered the premises. Woodworth drove up the road to the house and he was along the side of the house where he parked his car when he was taken into custody. After taking him into custody, we took him over to the barn where the still was. During the night I had several conversations with him. As we walked over to the barn, Woodworth told us that he had rented the barn to a small slender man that might be an Italian for \$20.00 a month, and then later on during the evening I spoke to him a number of times and on one occasion I made some remark that he [21] must have made a lot of money out of their operating for some time and he said, "No, we have a lot of trouble with the still and it did not run regularly." That was all the conversation I had with regard to the still. This distillery was not operated under government supervision. We found 110 gal-

(Testimony of Edward C. Harkins.)

lons of first-run stuff about 140 proof and 10 gallons of 90 proof. This was all untax-paid.

It was thereupon stipulated that the still was seized upon the premises and that the samples taken there consisted of five bottles and that they contained alcohol. The samples of alcohol were introduced in evidence and marked as Government's Exhibit 10 in evidence.

Cross Examination

On the night in question I went to the premises on two occasions. First with Officer Beck and Johnson, and secondly, with Farley, Gaines, Johnson, Beck and myself. I am not sure about the compass directions but I would say that we approached the still from the east and the second time we approached it from the same direction and when about 500 feet away I smelled the odor of distillation and heard the noise of a pump. There was a rather steep slope behind the barn and as we approached within a hundred feet of it, we could hear the burners. The partition that separated the pig pen from the rest of the *bar* was a solid partition and ran from the floor of the first floor to the ceiling. I was in and out of the barn while Mr. Gaines was questioning Woodworth. I did not stay there continually and I believe that it was after Mr. Gaines had questioned Woodworth that I went in and had some conversation with him at various times during the night. I am not certain whether Mr. Gaines was present

(Testimony of Edward C. Harkins.)

when Woodworth told me he had trouble with the still but I believe that he was. From my experience [22] as an agent with the Alcohol Tax Unit, I believe that mash causes stains on clothing. I don't believe it puts permanent stains, I believe they can be washed out. If fresh mash is on clothing, it definitely gives a strong odor. There were about 6,000 gallons of fresh sugar mash on these premises.

Redirect Examination

I saw the electric and pipe line and the oil line underground and I also saw another underground pipe line running from the still to the lake.

Recross Examination

These pipe lines were approximately shallow, that is not to exceed six inches underground. When Mr. Woodworth drove up to the premises I did not smell any odor of mash on his clothing. When I saw him, he was dressed in a cowboy attire.

Further Redirect Examination

The pipe that I refer to as running into the lake connected with the cooker of the still and ran diagonally into the lake from behind the house.

Testimony of
EDWIN L. BECK

Edwin L. Beck, produced as a witness on behalf of the United States, having been first duly sworn, testified substantially as follows:

My name is Edwin L. Beck and I am a Liquor Control Officer of the State of California. I was employed as such during the year 1940. On August 28th, 1940 I had occasion to visit the E. A. Hall Ranch near Watsonville with the other officers. We went there the first time about 9:45 in the evening. I saw the defendant Rodrigues in the still house that night. I identify him as the defendant Rodrigues on trial [23] in this court. I also saw the defendant Woodworth there that evening. I saw him when he was brought in by the Federal officers into the barn. I also identify the defendant Woodworth as being the person I have reference to. After having seen Woodworth in the barn, I later had a conversation with him in an automobile parked near the barn. That was approximately an hour after the conversation with him in the barn itself. Woodworth told me that he had first met Rodrigues about two years before this evening when he first went to work in the Springfield district south of Watsonville. He told me he had leased the ranch from a real estate man by the name of Hall in Watsonville and that his intention was to raise hogs and when the still deal came along, he gave up that idea. He told me that the Ford Coupe belonged to his

(Testimony of Edwin L. Beck.)

wife, that it was registered to her as the owner and that the Model-A Ford belonged to someone else, that it wasn't paid for. I asked him if he used either of these vehicles for transporting materials to the still and he said, no. On the following day Officer Johnson drew my attention to the back end of the Ford and in it we found grains of sugar on the floor. The Ford I am now referring to is the Ford Coupe.

Cross Examination

Mr. Woodworth answered my questions readily and he told me that he had intended to raise hogs on the ranch originally. He told me he had made some arrangements with the sergeant at Camp McQuaide about garbage but something happened to the arrangement. He told me that the arrangements he had made had fallen through and that the still deal came along and he gave up the idea of raising hogs. He did not tell me that when his proposed contract with Camp McQuaide fell through that he decided to give up the hog raising. He said he had made arrangements [24] with someone to get him garbage and that the deal fell through. He did not tell me that he used the Ford to haul materials for the still. Three or four days later after the arrest he told me that he used the Ford truck in the business of hauling scrap iron. I questioned him for possibly twenty or thirty minutes. We talked about many things, horses and things like that. We were sitting in the car for quite a while, I don't know

(Testimony of Edwin L. Beck.)

just how long it was. I saw him about a week later and had a conversation with him. I talked to him on August 28th and he did not tell me anything about farming the place or the ranch where the still was, that he just mentioned hog raising.

Testimony of
EARL GOON

Jehl

Earl Goon, produced as a witness on behalf of the United States, having been first duly sworn, testified substantially as follows:

My name is Earl Goon and I reside in Watsonville, California, and am in the grocery business and I operate what is known as the "Independent Grocery" located at 159 Main Street, Watsonville, California. I was in that business in 1940. I know the defendant Raymond Jehl. Sometime in May or June, 1940 Raymond Jehl came to my grocery store and I had a conversation with him. He asked me at that time if he could buy sugar in ten-sack lots and I said, yes. We discussed the price. I mentioned a price a little higher than I usually charge. At that time he said to me, "Let me know when you want it." Thereupon the witness identified the defendant Raymond Jehl as the person to whom he was referred in his testimony.

About three weeks he came to my place and placed an order for sugar, that is for ten sacks and

(Testimony of Earl Goon.)

he told me that someone would pick it up. He did not say when it would be picked up but subsequently a day or so later, someone did pick it up. That person was Tony [25] Rodrigues whom I now identify in the courtroom.

About a week after the occasion upon which I first sold him sugar, I sold him sugar again and at that time I also sold him ten sacks for which he paid me and the same thing happened again, Tony came and picked it up at night. About six o'clock in the evening. When the sugar was ordered, I would put it in the back room and then Tony would come and get it. There is an alley way in the rear of my store where a truck can come up to the rear of the store. When Tony came for the sugar, he would come in the alley way. Mr. Jehl paid about three times and Tony paid for it about three times. Mr. Jehl ordered sugar and paid about three times and Tony paid about three times. When Tony would pay for the sugar, the sugar had already been ordered by Mr. Jehl. Mr. Jehl ordered the sugar in all instances.

Sometime in June I had a long distance telephone call with Mr. Jehl in connection with sugar. At that time he ordered sugar over the phone and said someone would pick it up. In all I made about six different sales of sugar between May and the first of August.

I remember reading in the paper about a still being seized by the Federal officers on the Hall

(Testimony of Earl Goon.)

ranch. A few days after I read about the still being seized, Mr. Jehl came to see me and he told me at that time not to worry. I had told him a couple of Federal officers were there to check on me and he told me not to worry, that it was just a routine matter. The defendant Woodworth, whom I identify in the courtroom, came and picked up the sugar on one occasion. Mr. Jehl had ordered the sugar that Woodworth picked up. All the sugar that was picked up at my place was picked up in the evening.

Cross Examination

I have lived in Watsonville for approximately twenty-seven years [26] and the business that is now being conducted by my brother and myself was previously conducted by my father. I did not know Mr. Jehl over a period of years, I had hardly met him. I had seen him in the store. I had not been introduced to him. I did not know him very well. My father had done business with him in regard to his insurance. He wrote my father's insurance and he also writes insurance for me, and at the time of these transactions, he was writing insurance for me. On the first time that he came to see me, there was another fellow with him. I don't know his name. I think he introduced me to the other man but I didn't pay any attention. Upon the occasion when he came to see me with this other man, Jehl asked me if he could purchase sugar in lots and I said, yes. Both said it, I think Mr. Jehl said it. The other

(Testimony of Earl Goon.)

man who was with him didn't ask that question. No, he did not. I did not ask him what he wanted sugar for and he did not tell me what he wanted it for. There was no conversation about the sugar being used in connection with a distillery. In none of the transactions I had with Mr. Jehl concerning sugar was there ever any mention of the sugar being used in connection with an illicit distillery. The first conversation I had with him consumed about five or ten minutes. There was no sugar ordered at the first conversation. I never saw the other man again. I first interviewed by the Government agent in connection with this case shortly after the still was raided. I think the Government agent that interviewed me was a Mr. Johnson and there was another officer with him at that time. At that time I made a statement to them concerning the purchase of the sugar that was sold by me. At that time I did not tell them that there was another man with Mr. Jehl. The reason I did not tell them that because I was talking to Jehl all the time. I did not mention to Mr. [27] Johnson anything about the other man in connection with the sugar. I only saw the other man on one occasion. Mr. Johnson showed me some photographs at the time I was interviewed, but I did not identify the other man in any of those photographs. I think all of the sugar was ordered by Mr. Jehl. I am pretty sure that it was. Shortly after I was interviewed by the Government agent, Mr. Jehl came to see me and I told him that I had

(Testimony of Earl Goon.)

been interviewed by the Government agents and told him what I had told the Government officers. I told him that I had told the Government officers that on several occasions he, Jehl, had arranged for the purchase of sugar from me. At that time Mr. Jehl told me it was a routine investigation. He did not mention anything about a still. He did not tell me what to tell the Government officers or not what to tell them. The only records I kept of the purchase of the sugar were the purchases that I myself made from wholesalers. My records do not show to whom sugar was sold. I did not know that I was under an obligation to keep a record of sales of sugar for the Government. At the time these purchases of sugar were made, the retail price was about \$5.25 and I charged about \$5.50. If the records show that I testified in the last trial that the retail price at that time was around \$5.00 and that I charged about \$5.20 for it, that would be the correct price. I was charging about 20¢ more a check than the retail price. It is a common practice for me to charge a higher price if I can get it. I did not know Mr. Woodworth's name, part of the time he came to pick up the sugar, but I had seen him on the streets. He told me that Tony had sent him over to pick up some sacks because Tony's car had broken down.

Redirect Examination

Mr. Woodworth said that Tony had sent him over to get sacks, to pick up the sugar and I took him

(Testimony of Earl Goon.)

around to the back and gave him the [28] sugar in the back room, that's correct.

Recross Examination

When Mr. Rodrigues came to receive sugar, he paid for it on several occasions, that is, two or three times, and on the other occasions it was paid for by Mr. Jehl. I do not remember any occasion when Mr. Rodrigues ordered sugar. I was born in Watsonville and have lived there all my life and attended public and high school there and I am a graduate from high school there.

Testimony of

JOE CARRILLO

Joe Carrillo, called as a witness on behalf of the United States, being first duly sworn, testified substantially as follows:

My name is Joe Carrillo and I reside in San Jose, California and I lived in San Jose during the year 1940. I am familiar with the Colonial Inn which is located three miles south of San Jose on the Monterey highway. It is a restaurant and night club. I worked there on occasions in 1940. I first started working there sometime in the latter part of June or the first of July and at that time the Colonial Inn was owned by Raymond Jehl, whom I see in the courtroom and who I identify. I worked for Mr.

(Testimony of Joe Carrillo.)

Jehl at the Colonial inn as a musician. I remember having a conversation with the defendant Jehl sometime in the latter part of August or September. I would say it would be around the first of September. There was present at that time and conversation Mrs. Carrillo, the bartender and myself and a few others in the house. Mr. Jehl at that time was talking to my wife, who was working at the Colonial Inn. The conversation took place at the bar. I don't know what the whole conversation was, but when I came up, they were talking and I overheard he was saying he was kind of in the dumps, that is Mr. Jehl was saying he was kind of in the dumps. He was talking to Mrs. Carrillo about how down in the dumps he was and she asked him what for, [29] and he said, "I had to go to San Francisco and get some of my men out of jail. It made me feel bad, cost me some money." At that time I got up and left. He said the men he got out of jail were arrested for running a still. He said, "It was my still". I do not remember any more of the conversation because I got up and left.

Cross Examination

At the present time I am a collector for the San Jose Evening News. I am also a drummer and I have worked in various night clubs around San Jose. During the period of time I referred to in my direct examination, my wife was employed as a waitress in the Colonial Inn. I first met Mr. Jehl

(Testimony of Joe Carrillo.)

around May or April of 1940. I was introduced to him by Mr. and Mrs. Kaiser at the time he took over the Colonial Inn. He was supposed to have a partner, but I think he was working for him. I don't know whether he had a partner or not. I first went to work for him in the latter part of June or the first part of July. He didn't dismiss me, I quit. I had a dispute with him over wages. I only worked for him a couple of months. I worked there four nights a week. I would not say that he was there every evening. Sometimes he was there and sometimes you wouldn't see him for a couple of days. After I left him employment, my wife continued to work for him and I visited the place frequently. I went there practically every day to take her to work and to later bring her home. Sometimes some friends would take her home at night, but most of the time I took her home. Mr. Jehl never told me point blank that he had a still but from the conversation he had with my wife, I gathered that much, that is, on the one occasion to which I have referred. Prior to the occasion to which I testified to on direct examination, there was no conversation concerning any still. In all of the time that I was on the premises, prior to [30] the conversation that I testified to on my direct examination, there was no conversation with Mr. Jehl in which he indicated to me that he was either directly or indirectly interested in a still. At the conversation to which I have referred, there was present my wife and the bar-

tender, whose name was Tony, I believe it was something like the name you mentioned, Amovich. At the time I came up and joined in the conversation, Mr. Jehl had been talking to my wife. The conversation was directed to my wife, but I happened to be present. When I came up to the conversation, Mr. Jehl said that he was in the dumps that night and Mrs. Carrillo asked what the trouble was, and he said, "I had to go down to San Francisco and bail out my men." And she said, "What was that for?" And he said, "They knocked over my still and picked them up and I had to go down and bail them out and oh, it cost a lot of dough." And he was down in the dumps about it. At that time the bartender was behind the bar. I don't know whether he was present at the conversation or not, but he was within hearing distance.

The first time I talked to the Government agents in connection with this case was sometime in January or February, 1941. That conversation took place at my home at 320 South Central Street, San Jose, California. I do not know who the agent was that came to see me at that time. I would know him if I saw him. The agent that came to see me was from the FBI. It was in connection with this case and Mr. Jehl that I talked to the FBI agent. I do not know who the agents were, but I am sure that they were agents of the FBI, they were agents from the Federal Bureau of Investigation. At that time I gave them a statement of the case. At that time they

(Testimony of Joe Carrillo.)

talked mostly to Mrs. Carrillo. I personally did not give them any statement in connection with the case but Mrs. Carrillo did. I did not tell them at that time that my being present at the conversation to which I have testified. I told them that [31] I was present at that conversation on the second occasion when he came to see me a little later at my home. It would be about three weeks later and it was the same guys from the FBI. He showed me his credentials and identification. The badge that you show me which was produced by Mr. Gaines is not the badge or the type of badge that was shown me by the FBI agent. I never talked to Mr. Harkins or Mr. Johnson, nor did I make a written statement in connection with my testimony in this case. I told the agents of my participation in the conversation that I have testified to on the second occasion when they came to see me. The Government agents are the only ones I have talked to in connection with my testimony in this case. I did talk to Mr. Hammack in connection with the case about two weeks ago in the courtroom and I talked to him outside of the courtroom too. I talked to him in the office of the United States Attorney upstairs. I do not bear any animosity towards Mr. Jehl and I feel quite friendly to him. I do not feel unfriendly towards anybody. I was here this morning at ten o'clock when the court opened. I saw the man whom I identify as the bartender by the door here this morning.

Testimony of

DELLA CARRILLO

Della Carrillo, produced as a witness on behalf of the United States, having been first duly sworn, testified substantially as follows:

My name is Della Carrillo and I reside at 272 E. San Salvador Street, San Jose. During the year 1940 I was employed in the Colonial Inn and I am still working there. I was employed as a cook, waitress, dish washer and hostess. I know the defendant Mr. Jehl whom I see in the courtroom. He was my boss at the Colonial Inn. He first came to the Colonial Inn in May of 1940 at which time he was the owner and up to September, 1940. The Colonial Inn is a night club. About a week before [32] Mr. Jehl went out of business at the Colonial Inn, I had a conversation with him there. That would be sometime in September, 1940. Present at the conversation were myself, Mr. Jehl, my husband and the bartender. At that time Mr. Jehl said that he had come to San Francisco to see about bailing out a couple of his men. Prior to the conversation to which I have just referred, I had another conversation with Mr. Jehl sometime in the first part of August. That conversation took place in the kitchen of the Colonial Inn. There was no one present except Mr. Jehl and myself. At that time, Mr. Jehl said, "It was awful to stand on a hill and watch thousands of dollars go to waste".

I again saw Mr. Jehl about three or four days

(Testimony of Della Carrillo.)

before the trial of this case, that is, before the other trial of this case. At that time I saw him at the Colonial Inn and he was there with Tony and the other man. By Tony, I mean the defendant Rodrigues, and the other man who is a defendant in this case, Mr. Woodworthy. They came there around ten o'clock in the evening. I was standing on the porch and they pulled up in a car and Mr. Jehl was driving. He had with him Mr. Woodworth and Mr. Rodrigues. They got out of the car and then Mr. Jehl called me over and I talked to Mr. Jehl in the car. He asked me if anybody had been to see him in regard to the trial and I said, yes. He wanted to know what they asked me and I told him that I had identified some pictures and then he said to me, "Remember you don't know anything." I remember another occasion in the latter part of August at the Colonial Inn when he told the bartender Tony, that he had to go away for a little while because things were getting hot and that he was going to Reno for two weeks. [33]

Cross Examination

I went to work in the Colonial Inn approximately in January 1940 and at that time I was employed by Mr. and Mrs. Kaiser. I continued to work there until the time that Mr. Jehl came into the premises about May of 1940 and I thereafter continued to work for Mr. Jehl until he left sometime in September 1940. I am the wife of Joseph Carrillo, the gen-

(Testimony of Della Carrillo.)

tleman who testified today on the witness stand. The first conversation I had with Mr. Jehl in connection with the still or anything concerning the still was sometime in the latter part of August, 1940. he said at that time, it was awful to stand on a hill and watch thousands of dollars go to waste. He didn't tell me what he meant by that and I didn't think it was any of my business, and he made no further explanation of that conversation. He didn't tell me what he was referring to and I did not ask him what he was referring to. The next conversation I had with Mr. Jehl would be sometime in September at which were present my husband, the bartender and himself. The bartender's name is Tony Amavich. At that time Mr. Jehl said he had come to San Francisco where he had bailed some men out and I asked him in regard to what and he said, in regard to his still. He did not in so many words tell me that it was his still. He used the words "my still". I may have said to him at that time, "Well, that is too bad." I usually do say that in a case of sympathy. From June 1940 until the conversation at which were present myself, my husband, the bartender and Mr. Jehl, there was nothing said at any time in connection with the still and a still was never mentioned to me. The only other conversation was the one in the first part of August when he said it was awful to stand on a hill and watch thousands of dollars go to waste. The first time I talked to any government agent in connec-

(Testimony of Della Carrillo.)

tion with this [34] case was about a week after Mr. Jehl went out of business. That conversation took place at my home at which were present my husband, myself, and the government officers. It would be sometime in September, 1940. The government officers to which I talked was a Mr. Johnson. He was alone at that time. I did not give him a written statement. The last conversation to which I referred as having talked to Mr. Jehl some few days prior to the last trial, there was no one present but Mr. Jehl and myself. At that time he asked me if anyone had been to see me regarding the case. He did not at that time mention a still. He told me that his trial was coming up. I told him that they had been to see me to identify some pictures, and he said, "Remember, you don't know anything." He did not ask what conversation I had had with the government agents. He did not tell me that he had come down there to see me at the request of his attorney, Mr. Abrams. At the time I had the conversation with Mr. Jehl in the kitchen, to which I have testified, I did not know to what Mr. Jehl was referring. At that time, I had not been told, either directly or indirectly, that Mr. Jehl was supposed to have an interest in a still. The first time that I had any information that he had an interest in a still was at the time when he told me that he *baled* some men out. At the time that he told me about bailing the men out, he said it was in connection with a still. After you have shown me the testimony that I gave

(Testimony of Della Carrillo.)

at the last trial in which I said that at the conversation to which I have referred about Mr. Jehl coming to San Francisco to bail some men out, that he did not at that time say anything about a still and that there was no talk about a still at that time, I will now say that if the record shows that that was my testimony in the last trial, I must have given that testimony. You know the first time being in Court you [35] can always remember a few things and I could state a few more things if I would like to. I do not deny that at the last trial I testified that I did not know that Mr. Jehl had a still and that nothing was said to me about him having a still and that I never knew he had a still and that he never talked about a still at any time.

Redirect Examination

The first time that Mr. Jehl talked to me about having come to San Francisco to bail some men out because they were working on his still was the first time that I knew he had any interest in a still.

Examination by the Court

I heard Mr. Jehl say to Mrs. Kaiser prior to taking the place over, "You don't have to worry about your rent, I don't care whether the business goes or not, all I want it for is a stopping place."

I understood he wanted it as a stopping place for he and his men to live in and I understood they weren't very much interested in the conduct of the

(Testimony of Della Carrillo.)

business itself. He told Mrs. Kaiser that she did not have to worry about taking in any money because he had money to pay the rent monthly. I recall when Mr. Jehl was located at the Colonial Inn, people coming in and turning what appeared to be large sums of money over to him. I do not know the name of this person. [36]

Thereupon, the United States rested its case.

The defendant, Raymond Jehl, through his counsel, moved the court for a directed verdict of not guilty.

The defendant, Jehl's, motion for a directed verdict of not guilty was thereupon by the court denied, to the denial of which the defendant Jehl regularly excepted.

Thereupon, the following witnesses were called on behalf of the three defendants upon trial.

Testimony of

FERDINAND C. BOCK

Ferdinand C. Bock, called as a witness on behalf of the defendant Woodworthy, having been first duly sworn, testified substantially as follows:

My name is Ferdinand C. Bock and I am by occupation a Military Property Custodian for the State of California at Salinas, California. During the early part of 1940 I was Military Property Custodian at Camp McQuaide out of Watsonville. I was

(Testimony of Ferdinand C. Bock.)

such during the months of January, February and March of 1940. I know the defendant Woodworth and have known him for about two and one-half or three years. Sometime in January or February, 1940, I saw Woodworth when he came to see me about either buying or selling a cow. I later saw him when he came down picking up scrap iron and metals and stuff of that sort. I had a lot of it and had him come out and get it. After that he came to see me at the camp, looking for garbage. I had had a conversation with the Supply Officer of the 250th Coast Artillery who used to come to Camp McQuaide for their training period with respect to the disposition of garbage. He asked me to find someone who would dispose of the garbage at the camp. Sometime in either April or March of 1940 [37] I had a conversation with the defendant Woodworth about the garbage disposal. Woodworth told me that he wanted the garbage because he was planning on raising some hogs and he intended to use the garbage to feed the hogs and I told him I would try to get permission for him. I personally had no authority to make a contract but I did attempt to secure a contract for him. I was not successful in my efforts to secure the contract. Sometime in the latter part of April or the first of May I told Woodworth that a firm had purchased the garbage contract and had paid for it.

(Testimony of Ferdinand C. Bock.)

Cross Examination

I am not in the United States Army but I am employed as a custodian of the State of California at Watsonville, California. I have known Woodworth for about two and one-half or three years. I first met him at Camp McQuaide where I was custodian at camp. I first discussed the garbage proposition with him sometime about March or April of 1940 at the camp. He told me he would like to have the garbage there and I told him I would try to secure the contract for him. There were no troops at camp in March or April but we expected some in May. I was informed that we could expect National Guard troops sometime in May. I was so informed through the Adjutant General's Office in San Francisco by a Captain Klein. Camp McQuaide is a National Guard Camp. It is sometimes used by the regular army. The regular army used it in January of 1940 and in November of 1940. Now I am wrong about that, the National Guard used it in November, 1940 and in 1939 the regular army, the 65th Coast Artillery used it in the months of May and June. In January of 1940 the Regular Army used it just for a few days. In July of 1940 the National Guard used it for three weeks. The 11th Cavalry of the United States Army was there for a few days in [38] January and the National Guard was there in July. Outside of these two troops, no other troops used the camp during 1940. There were no troops at Camp McQuaide during February, March, April

(Testimony of Ferdinand C. Bock.)

or May of 1940; outside of the 11th Cavalry and the National Guard there were no troops there during 1940 except a couple of one-night bivouacs when certain units came through and stayed one night. I remember these units as being the 250th Coast Artillery for one night and there was a reserve officers post came and looked over the camp. There were no troops there steadily until September of 1940.

Redirect Examination

I received a notification from the commanding officer in San Francisco that the troops were expected to come down there in May. They would come down quite frequently, sometimes they would stay and make camp and sometimes they would not. That was up to the commanding officers of the troops that made these trips. When these troops they came, they would bring their own feeding equipment and there would be garbage to be disposed of.

Recross Examination

I do not remember how long the commanding officer told me the troops would be stationed therein in May. He told me that they were coming down to bivouac. I don't remember whether he said one day or one week. From these one night bivouacs or stopovers there would be garbage to dispose of. I had planned to get the garbage disposal contract from the Supply Officer of the 250th Coast Artillery. At that time it was Captain Saul and later a Captain

(Testimony of Ferdinand C. Bock.)

Cook. He was the commanding officer of the service battery and he was also supply officer of the regiment. The officers always asked me to find someone [39] to dispose of the garbage because they did not want to pay for its disposal and I thought it would be a good deal for someone who was in the pig business or hog business or something of that type. I do not remember just when I was told that a national guard was coming down to Camp McQuaide permanently in the fall, but I think it was sometime in the early spring. I was told by several officers, Captain Klein was one of the officers. In the spring and before the draft became effective and before the National Guard was called into Service, Mr. Klein told me that they were coming down permanently into service. The National Guard were called into service on November 16, 1940. The drafted men went into service at about the same time.

Testimony of

LESLIE A. WOODWORTH

Leslie A. Woodworth produced as a witness in his own behalf, being first duly sworn, testified substantially as follows:

My name is Leslie A. Woodworth and I reside in Watsonville, California and have lived there for about four years; prior to going to Watsonville, I lived in Salinas for one year and before that I lived

(Testimony of Leslie A. Woodworth.)

in Cloverdale, Sonoma County, where I was born. I have resided in California most of my life but have been out of the state for short periods of time. I am married and have a stepdaughter. Our stepdaughter is eighteen years of age. I was married in September of 1934 and I have resided continuously with my wife and stepdaughter since that time. I went as far as the fourth grade in school. I went to **school in Sonoma County**. Since I have been fourteen or fifteen years of age I have been working on ranches as a ranch hand and as a stock man and at times I have raised hogs. I have also been ranching and have driven tractors on ranches. I know and also have been engaged in the business of collecting and selling scrap iron around Watsonville, [40] California.

I know the defendant Rodrigues who sits in the courtroom. I first met him about three years ago when he came to my house and wanted me to go to work driving a tractor. At that time I was living in a place called old Eureka Canyon, near Watsonville. I worked for Rodrigues on a ranch he had leased in Springfield near Watsonville. Rodrigues was the lessee of the ranch at that time and I was driving tractor for him. That was the first time I met him.

In March of 1940 Rodrigues entered into a lease with Mr. Hall for the Hall Ranch located near Watsonville, California. Prior to the entering into of this lease I had worked for Rodrigues driving team,

(Testimony of Leslie A. Woodworth.)

cultivating beans on his ranch. For about three months before I leased this ranch with Rodrigues, I had been hauling scrap iron around Watsonville. Rodrigues was also hauling scrap iron with me, that is, he was picking up scrap iron and I was hauling it to San Jose with my own and selling it there. At that time I was living on the Riverside Road in Watsonville. When I was living on the place at Riverside Road I was paying \$30.00 a month which was a little higher than I wanted to pay and Mr. Rodrigues mentioned the Hall place to me and said although he did not have a house on it, that we should go and see it, so we drove over to look at it, and Mr. Rodrigues said we could get it fairly reasonable. He said around \$150.00 or \$175.00 a year, so then we went down to see Mr. Hall and made a lease. I intended to use the place to live on and also to have enough roof to raise a few head of stock or hogs and maybe a few head of cows and I discussed the raising of hogs with Rodrigues, that during the conversation I had with Rodrigues as to the reason for taking over the Hall place. At the time we took it over there was nothing on there except a tank-house and two [41] barns. I did not meet Mr. Hall until the time we actually signed the lease and I don't recall having any conversation with Mr. Hall as to what we intended to use the ranch for. We started building the house right after we leased the place, within a few days after we leased it. Both of us bought and paid for the lumber and material that

(Testimony of Leslie A. Woodworth.)

was used in the house. It cost us around \$135.00 to \$150.00 for the lumber and material we put in the house. The labor was furnished by Rodrigues and myself. I moved into the house about two weeks or a month after that time when it was completed and that would be around the end of March or the first part of April. Previous to that time, I had intended to make arrangements for the disposal of garbage at Camp McQuaide with a Mr. Bock. I had known him for about two and one-half or three years prior to that time. I first talked to him about the garbage disposal shortly after I had talked to Mr. Rodrigues about leasing the Hall place. I went down to see him and he gave me a bunch of scrap metal and he was telling me about the camp and he told me how they had paid for the disposal of garbage the year before and that they were looking for someone who could use the garbage and would not have to pay for its disposal, so we began talking about it and I told him I would be interested in taking the garbage away from the camp for the purpose of feeding hogs. I talked to Mr. Bock about this on several occasions. He told me he would tell me what he had heard or that he was trying to get the contract for me. He told me he was quite sure he could get it and told me that he had been to San Francisco to see about the contract, that was sometime in the latter part of April. I had already moved into the house on the Hall ranch at that time. I thereafter made arrangements to secure hogs from my

(Testimony of Leslie A. Woodworth.)

brother. I told my brother about the possibility of getting the garbage at Camp [42] McQuaide and asked him if he would be willing to furnish me with the hogs so that I could use up the garbage. My brother lives in Solano County on the Sacramento Road. After I had been notified by Mr. Bock that someone else had the contract, I wrote my brother and told him I could not get the contract for the garbage disposal and had to let the hogs ride for a while until I could secure feed from someone else. At that time I was also engaged in hauling scrap iron. I worked practically all the time at that. During the time that I was building the house I would work three or four hours a day on that and the rest of the day I would work in the scrap iron business. I subsequently bought two hogs myself. During this entire period of time I was engaged in buying and selling scrap iron. We rented part of the premises to another person. We rented the barn. There were two barns on the premises, and we represented the one that is closest to the house, as I indicated on the map. We rented the barn around the first of June. Mr. Rodrigues told me that there had been a man in there who was interested in leasing the barn. He said the man was willing to pay \$20.00 a month for the rent of the barn and at that time things did not look any too promising and I had no use of the barn and I told Rodrigues that whatever he did in the matter was perfectly alright with me. I do not recall

(Testimony of Leslie A. Woodworth.)

that I saw the man who rented the barn. After the barn was rented, I never went to the barn myself.

I did haul on one occasion some sugar from the Independent Grocery to the Hall ranch. That was in the latter part of July. Mr. Rodrigues' car was broken down and he asked me if I would go to the Independent Grocery and pick up some sacks. He did not tell me what the sacks contained. He told me to go and pick up some sacks. I went to the Independent Grocery and saw Mr. Goon and I did pick up some [43] sacks. I told him that Tony had sent me to pick the sacks up and he told me they were right in the pile in the back of the building. At that time I picked up four sacks and I was using a '35 V-8 Ford Coupe at that time which was registered in my wife's name. The Ford truck that I had I used for hauling scrap iron. The sacks that I picked up had sugar stamped on them. I loaded them in the car and brought them out to the ranch and parked my car in front of the house and went in and had my breakfast, and Mr. Rodrigues was in the house at that time. He came out and when I came out after I had my breakfast, the car was parked alongside of the house where I usually park it and at that time the sacks had been taken out of it.

I would leave the house at various times to go on my business of collecting scrap iron, some-

(Testimony of Leslie A. Woodworth.)

times I would leave as early as four in the morning and the latest I would leave would be around seven o'clock. If I picked up a load sometimes I would return in the afternoon, but usually I got home around six or seven o'clock and sometimes eight o'clock at night. Up until the end of July, or up until the time that I picked up the sugar sacks for Mr. Rodrigues, I did not know that there was a still in the barn and I had not detected the odor of fermented mash or distilled alcohol. I do know what the odor of alcohol smells like. After the barn was raided I went to the barn. The closest I would go to the barn, as I remember, would be to the tank-house. There were two pigs there at that time and they were permitted to run around the corral. The place where the pigs were kept was partitioned off or separated from the rest of the barn. After the barn was leased or rented, I did not feed the pigs. Mr. Rodrigues took care of them because he was working there in the barn and he told me there would be no need for me to bother feeding the pigs, that he would take care of [44] them. After the barn was rented, Mr. Rodrigues told me he was working for the man who rented the barn, but did not tell me what he was doing for him. On August 28th I was placed under arrest when I drove into the ranch. The first time I knew there was a still in the barn was about the first week in August, about six or seven o'clock in the evening I heard an explosion like a bunch of cans

(Testimony of Leslie A. Woodworth.)

falling or something like that and I went out of the house to see what it was. Just as I got out of the house, Mr. Rodrigues was coming over to see me and I asked him what the noise was and he said he was having trouble with the still. That is the first time I knew there was a still there, and I said to him, "You mean to tell me there is a still there", and he said there was and I said, "That is not so good, it does not look good to me". I then told him that he was liable to get into trouble and he said, no that he was just working there, there was nothing wrong about that. That was all the conversation that we had.

On the occasion when I picked up the sugar at the Independent Grocery it was around eight o'clock in the morning. I heard Mr. Goon testify that it was eight o'clock at night, but he was wrong about that. I am certain that it was in the morning. At the time I was arrested Mr. Gaines talked to me for about thirty minutes, maybe forty minutes. He asked me about the still and I told him that I knew nothing about the still. He asked me if I had any interest in the still and I told him no, that I did not and I also told him that I knew nothing about the still at all. At that time I meant to tell him that I knew nothing about the operation or handling of a still or anything like that. I recall telling Mr. Gaines that Tony had told me that he had had trouble with the still. I don't recall whether I told him how I found out about the still and

(Testimony of Leslie A. Woodworth.)

I don't recall whether he asked me any questions [45] about my having hauled sugar. He asked me how I happened to be on the ranch and I told him that Mr. Rodrigues and I had rented the place together with the intention of raising hogs and that I was to get a contract at Camp McQuaide for garbage. I also told him about building the house and about Mr. Rodrigues helping me. I also had a conversation with agent Hawkins. In this conversation they talked about the ranch and then they would talk about the still and they talked about horses, cattle and farming and then they would lead back towards the alcohol and about the still. I do not recall that I told the officers that I did not know that there was a still there at all, but I do recall telling Mr. Gaines that Tony had told me that the still had broken down. I never at any time did any work on the still nor did I have anything to do with putting the still in or any portion of it. I have never been arrested before in my life and this is the first time I have ever been in court on this case. Tony did not tell me the name of the man to whom he had rented the barn, nor did he give me any description of the man.

Cross Examination

I leased this ranch with Mr. Rodrigues with the idea of starting a hog farm and that was sometime around the first part of March that leased the premises. Shortly after that we bought a couple

(Testimony of Leslie A. Woodworth.)

of hogs, I don't know it may have been a week or ten days after that. Prior to entering into the lease, I was only on the Hall Ranch once. At that time I looked over the property and looked over the barn. I did not go into the barn. I was in the corral. While I was building the house I do not recall having gone down to the barn. When I looked at the barn, it looked just like an ordinary barn. When [46] I looked into the barn, I saw that there were stalls in there. The window that I looked through is on the north side. I recognized the house that you show me in the photograph as being the tank-house. The barn door that you refer to, I think, was nailed up and I did not make any attempt to open it. I had two horses on the premises in the middle of July. There was a big horse and one colt. They were kept in the lower barn which is next to the lake and about one hundred feet away from the house. I kept the horses in that barn because the other barn was rented. I did not have the horses at the time the barn was rented. I got the colt from a man in Santa Cruz and the other horse I got from a horse dealer. I paid \$5.00 for the colt and \$25.00 for the horse. The compartment where the pigs were kept was already there when we went upon the premises. I did not know it was there because I did not see it because I had never been in the barn. I do not know who built the little opening for the pigs to go in and out. That was the way the barn was when I went into the place.

(Testimony of Leslie A. Woodworth.)

I fed the pigs when I first went there and I fed them in the corral. I would say that it is about thirty feet from the edge of the corral to the barn. I fed the pigs garbage from the house and I got some sacks of barley and I got some old apples I got from cold storage. The night I was arrested I saw electric lights in the barn where the still was. There were no lights in the barn where the horses were kept. I had no need for lights there. I had electric lights in the house and there was wiring from the house to the tank-house. I did not know there were any oil tanks around the tank-house. My electricity bill ran around \$3.00 a month, possibly a little more and possibly a little less. It is true that my electric bill went up about 100%. I had been using some water for the garden and had been pumping the water by electricity. The [47] garden was between the house and the tank-house. Sometimes I watered it but most of the time my wife watered the garden. In the evening while she would be watering, I would be sorting the scrap iron. Sometimes I would get home from my scrap iron business about six, sometimes seven and sometimes eight and often as late as nine o'clock. I was out practically every day in the scrap business, collecting scrap iron. The day that Mr. Rodrigues asked me to go and get the sugar, I was home because I only had a short haul to make and I had been sorting scrap from early in the morning. Mr. Rodrigues asked me to go for the sugar about

(Testimony of Leslie A. Woodworth.)

seven o'clock in the morning. He just asked me if I would go and pick up some sacks for him as his car had broken down. I went to the Independent Market in Watsonville to get the sacks and I saw that they said "sugar" on them, but I didn't say anything about it. When I went to get the sacks I saw that they said "sugar" on them, but at the time Rodrigues asked me to go, he did not tell me what kind of sacks they were. When I got there, Mr. Goon pointed them out to me and they were stacked up in the back of the room and I took them. At the time that Rodrigues asked me to go for the sacks because his car was broken down, I did not know where his car was and I don't know how he got over to the ranch, whether he walked or he got a ride with somebody. When I returned with the sacks of sugar and left them in my car, Mr. Rodrigues, I assume, took them and drove them away, though I did not see him do it. If at the last trial of this case I said that at the time that we leased the barn to this man was in April, then that was correct and my present testimony that he leased it in June would be incorrect. If the testimony at the last trial showed that I said that I saw the man who rented the barn once, that would be correct, and my present testimony in that regard would be incorrect. If I testified [48] at the last trial that I did not look into the barn, that testimony would be correct and the testimony I am now giving would be incorrect. If I testified at the last trial

(Testimony of Leslie A. Woodworth.)

that Mr. Rodrigues took care of the pigs and that I did not, that testimony would be correct, and my testimony in this trial incorrect. If I said at the last trial that Mr. Rodrigues did not come to the ranch after the hog-raising deal fell through except to pay me social calls, that testimony would be correct and my testimony in this trial that he was working in the barn after the barn was rented would be incorrect. When I noticed the increase in my electric bill I talked to Mr. Rodrigues about it and he said that whatever the extra amount was, that he would pay the money for it. I did not at that time ask him what he was using the pump for. Mr. Rodrigues at that time was not doing any farming.

When I was in the scrap iron business I would sell my scrap iron to Levin Brothers and also Markowitz and Fox in San Jose. Levin Brothers are located on the "101" highway just outside of San Jose, and Markowitz and Fox are in San Jose about half a block off Santa Clara. I did not sell all of my scrap iron to Levin Brothers, I was selling to both Levin Brothers and Markowitz and Fox and also to Barnard and Levin and at times I used to take some of it up to Niles. I may have sold scrap to Levin Brothers in January and also in February and also in March and May. I may have sold scrap to them in July and also in June, I would not be certain as to the month of August. I made sales of scrap about once or twice a week, it all de-

(Testimony of Leslie A. Woodworth.)

pended on the amount and kind of scrap I had. Sometimes I had more metal than I would have iron and other times I would have more iron than metal and different companies would pay different prices on metals, some would pay two or three cents higher and some would pay two or three cents lower. At the time I heard the explosion I did not know [49] at that time what a still was. Tony Rodrigues explained to me what it was. He just said that he had trouble with the still and that it had blown up. I asked him what he was doing, and he said that he was just working there. I had heard about stills before that and when he mentioned the word "still" I knew what it meant, yes. I did not at that time report to the officers that there was a still upon the premises. When I talked to Mr. Boch about getting the garbage at Camp McQuaide I did not know how much garbage there would be. When I talked to Mr. Boch about the garbage at Camp McQuaide I did not know when the soldiers would be there nor did I know how many would be there. Mr. Boch did not tell me that soldiers would be there only once or twice a year. I did not ask Mr. Boch how many troops were there, nor how much garbage there would be there. The only thing I knew is that sometimes there would be more garbage than at other times.

Redirect Examination

It was my original intention to get six brood sows and a male hog.

(Testimony of Leslie A. Woodworth.)

When I testified at the last trial and after I told Mr. Rodrigues that the garbage deal fell through and he told me he would have to go out and get a tractor job, he at that time lived with his mother and sister in Watsonville. When I so testified, I was referring to the time prior to the time when the barn was rented, when I said at the last trial he came back to the place three or four times, I meant prior to the time that the barn was rented. Prior to the time the barn was rented, the only work Mr. Rodrigues did was when he was working on the house with me. The two pigs that I bought, I bought quite awhile before I knew that I could not get the garbage from Camp McQuaide. When I testified at the former trial that Mr. Rodrigues [50] took care of the pigs, I meant that he took care of the pigs after the barn was rented and that before the barn was rented, my wife and I took care of the pigs. When I testified at the former trial that I had never looked in the barn, what I meant to say was that I had never actually been inside the barn; prior to August 28, 1941, I had not seen the still on these premises or had I seen a still on any other premises. I don't believe that I understood what Tony meant when he said the still had broken down. However, I know what a still is from reading about it. I am thirty-four years of age and do remember the National Prohibition Act and I have heard of persons being elected for bootlegging. I did not know whether

(Testimony of Leslie A. Woodworth.)

it was legal or illegal to have a still. I had heard about people being arrested for running illicit stills and I heard about people being sent to jail for that. Then I thought that Tony had been running an illegal still after he had told me that the still had blown up. The wind on the Hall Ranch blows from the west always towards the east or towards the northeast.

I remember having one conversation with Mr. Hall about the Hall Ranch, and that conversation was sometime in June. We were talking about ranching and he wanted to know if I was going to do any farming there and I told him I wasn't financially fixed to do any farming at that time and I told him that I had intended to raise hogs but that the contract at Camp McQuaide had fallen through and I was unable to get any feed for the hogs from that source and that I would have to let the hogs go for the time being and he at that time said, couldn't you raise feed somewhere near here and I told him that it took money to raise feed and I didn't have the money to do so at that time.

Recross Examination

I remember seeing Mr. Hall upon the ranch upon one occasion [51] and that was in the evening.

Examination by the Court

I had two horses and I kept them in the small barn near the lake. Sometimes I took care of them

(Testimony of Leslie A. Woodworth.)

and sometimes my wife did and sometimes the girl did. There is a large lake near the barn where the horses were. I would say it would be half to three-quarters of a mile long and about three hundred yards wide and the water would be about fifteen or twenty feet deep. The barn where the horses were was practically right on the left of the lake. It was built up level. I did not see any running refuse from the still into the lake until after I was arrested and released. I understand that the Hall Ranch comprises about twenty acres. I would say that the lake itself occupies about an acre and a half on the small lake and two acres on the large lake. There are two lakes on the property. I bought the pigs but I did not go into the barn. I did not know that pigs stayed in the barn, they stayed out in the corral alongside the barn. The man that I testified to that I saw there at the barn after it was leased was to the best of my knowledge not too tall a man, rather thin-built, I would say a medium complexion, not dark and not light. To the best of my knowledge I would say he was a foreigner of some type. I do not know who he was and I did not inquire. I did not think it was any of my business to inquire who he was other than that Mr. Rodrigues had the dealings with him and he had rented the barn to him. I knew that Rodrigues told me he was getting \$20.00 a month and I was very much satisfied with that amount of rent from the barn, because I had no

(Testimony of Leslie A. Woodworth.)

means of making sufficient money to pay the rent and after all, we had built the house and I didn't have no money to go out and rent another house and I was satisfied to have a place in and go about my business. [52] I do not know whether the rent from the barn was ever paid but I do know that I did not get any of it. I did not go into the tank-house. I saw the tank-house on the outside but did not go in it. The house that I built was a small house, it had a bedroom, a kitchen and a dining room place. It was a small house. It was built of lumber and it cost about \$135.00 to \$150.00. I did not go into the tank-house to see whether it was a place that we could live. I wasn't interested in living in a tank-house or in the barn. The sugar that I got I should imagine weighed about a hundred pounds a sack. I did not ask Mr. Rodrigues what he wanted with four hundred pounds of sugar. I did not store any of my scrap iron in the barn. After Rodrigues told me about the still, I was not interested in going to see it, though I did think that the still might cause us trouble. After he told me that there was nothing to worry about, that I was only living on the place and that he was only working there and he told me that there was nothing to worry about if I didn't do anything more.

Testimony of
EUGENE E. GLORR

Eugene E. Glorr, produced as a witness on behalf of the defendant Jehl having been first duly sworn, testified substantially as follows:

My name is Eugene E. Glorr and I am a physician and surgeon practicing my profession in Watsonville, California and have been practicing there since 1940. I know the defendant Raymond Jehl and have known him since the latter part of 1934 and he has been a patient of mine during that period of time. During the period of time from the latter part of 1939 to the early part of 1940 Mr. Jehl was under my care and during that period of time I advised him to seek a warmer [53] climate than the climate in Watsonville. I also advised to seek a change of activity. I did not learn until later that he had gone into the restaurant or saloon business in San Jose. I would not necessarily have advised him to have done this.

Cross Examination

Mr. Jehl was being treated by me because of loss of weight, being nervous and he had a persistent cough, and the moist air of the coast is not beneficial to that type of cough and I, therefore, advised him to seek a warmer climate. I would not necessarily say that night club business would be good for his nerves or for the type of cough he had but sometimes you give patients advice, that they do not necessarily follow.

Testimony of

CLYDE H. HINES

Clyde H. Hines, a witness called on behalf of the defendant Woodworth, being first duly sworn, testified substantially as follows:

My name is Clyde H. Hines and I reside in Watsonville, California and I am a service station operator and have been such for about six years. I know the defendant Woodworth and have known him for about four years. He buys products from me, that is gasoline and oil for his truck and he was buying these commodities from me during the year 1940. He would come into my station with a V-type Ford truck and also a coupe. When I would see the truck it would be loaded with scrap iron and I knew that he was in the junk or scrap iron business. He would come into my place about three times a week with his truck, quite often with his wife and stepdaughter accompanied him.

Cross Examination

I did not know that Woodworth was operating a hog ranch outside of Salinas nor did I know that a still was found on the ranch where he was operating the hog ranch. He has been a customer of [54] mine off and on for four years. He was in quite often during the year 1940. I would not say that he had been a constant customer of mine during the last four years.

(Testimony of Clyde H. Hines.)

Redirect Examination

Since January, 1940 until September, 1940 he was a pretty regular customer. Pretty near every week he would come into my place.

Recross Examination

From May to September I would say that he came into my place with both his Ford coupe and truck. He would average about three times a week depending upon business and how he picked up his scrap iron. Every time he would come in with the truck I would see scrap iron on it. I would see his wife and step-daughter on several occasions when they came in both in the truck and in the Ford coupe.

Testimony of

ANGELO GORDON AMIZICH

Angelo Gordon Amizich, produced as a witness on behalf of the defendant Jehl, being first duly sworn, testified substantially as follows:

My name is Angelo Gordon Amizich and I am at the present time a soldier stationed at Fort Ord, California. I was inducted into the service under the Selective Training Act and I have been stationed at Fort Ord exactly two months and fifteen days. From the month of June 1940 till the month of September, 1940 I was employed at the Colonial Inn just a little southwest of San Jose on the high-

(Testimony of Angelo Gordon Amizich.)

way. The Colonial Inn was a night club and restaurant that serves meals. I was employed there in the capacity of manager and I also tended bar. I was employed by Mr. Jehl, the defendant in this case. While I was employed there, there was a young lady also employed there by the name of Mrs. Carrillo. When I first knew her, her name was Della Rowe and [55] she later became Mrs. Carrillo. She was the wife of Joe Carrillo. She was employed at the Colonial Inn as a waitress and her husband also was employed there for part of the time in the capacity of musician. It is not true that during the latter part of August or the first part of September of 1940 that I was present on an occasion when Mr. Jehl was present, Mrs. Carrillo and Mr. Carrillo at the Colonial Inn, during which time a conversation took place in which Mr. Jehl said to Mrs. Carrillo in my presence and in the presence of Mr. Carrillo and Mrs. Carrillo that he was down in the dumps because he had to go to San Francisco to bail out some men in connection with a still. No conversation ever took place in my presence. It is not true that about the same time there was another conversation in which Mrs. Carrillo was present and myself and Mr. Jehl in which Mr. Jehl said in substance that *he* I would have to take care of the place because things were getting too hot for him and that he had to go to Reno for a couple of weeks. No such conversation ever took place in my presence. During the time that I was

(Testimony of Angelo Gordon Amizich.)

employed there, I lived on the premises and my sister also lived there. She was a student at San Jose State Teacher's College. Mr. Jehl lived there at times too. On some occasions he would go to his home in Watsonville. On occasions he would be away for one or two days, nor more than two days at any time. When he was away, I was in charge of the place. We bought our liquor that was used at the Colonial Inn from Koerber in San Jose. At no time while I was on the premises of the Colonial Inn was any liquor used that was not tax-paid. On two occasions while I was there the State Board of Equalization authorities came to examine the stock and look over the stock. [56]

Cross Examination

I did not at any time have any conversation with the Federal officer at the Colonial Inn in connection with Mr. Jehl. However, a Federal officer did come to see me at Camp McQuaide while I was working there. I believe that he came to see me either in November or the latter part of December of 1940. I do *not whether* a federal officer ever came to the Colonial Inn and talked to Mrs. Carrillo. I generally work the shift from eight o'clock in the morning until two o'clock at night. My duties were to tend bar and to see that the customers were waited upon. On occasions when there would be conversations between Mr. Jehl and Mrs. Carrillo and myself, sometimes I would have to leave the

(Testimony of Angelo Gordon Amizich.)

conversation to wait on a customer. I was not at the Colonial Inn on an occasion when Mr. Jehl and Mr. Woodworth and Mr. Rodrigues came there. I have not been in the Colonial Inn except once since I left there in December. It could be possible that there was a conversation between Mr. Jehl and Mrs. Carrillo at which I was not present and did not hear.

Redirect Examination

I did not hear such conversations as you have related to me and such conversations did not take place in my presence. There were occasions when Mr. Jehl would leave the place, he would either go home or he would tell me he was going to San Francisco, and when he was gone I would take charge of the place.

Testimony of

RAYMOND HOWARD JEHL

Raymond Howard Jehl, one of the defendants, produced as a witness on his own behalf, having been first duly sworn, testified substantially as follows:

My name is Raymond Howard Jehl. I am a man of family. My family consists of my wife and my daughter and my wife's mother. [57] I reside in Watsonville, California and have resided there for about thirty years. I have lived continuously in

(Testimony of Raymond Howard Jehl.)

Watsonville during that period of time except when I was overseas during the last war. I was born in Tennessee. I am a real estate broker and insurance broker, licensed under the law of the State of California by the Real Estate Commissioner of the State of California. I have been so licensed since 1913 or 1914 and during that period of time I have been engaged as a licensed real estate broker in Watsonville, California. I am in business there with my brother Sidney A. Jehl. My place of business located at 302 Main Street in the Fox Theater Building.

The photograph that you show me represents my place of business in Watsonville.

Whereupon the photograph was offered in evidence as an exhibit on behalf of the defendant Jehl and marked "Defendant's Exhibit A".

During the period of time from January 1940 to September 1940 my brother and I were the agents for a subdivision in and around Watsonville and one of these particular subdivisions was owned by a Dr. Cutter. From the latter part of 1939 until the early part of 1940 I was under the care of Dr. Gloor. During that period of time Dr. Gloor advised me to seek a change of climate and he also advised me to seek a different type of business if I could. I went into the possession of the Colonial Inn. I believe the first week in June of 1940 and I continued in possession until September of the same year. During that period of time I lived part of

(Testimony of Raymond Howard Jehl.)

the time at the Colonial Inn and part of the time at my home in Watsonville, California. While I was in possession of the Colonial Inn, my manager was Angelo Amizich. Mrs. Carrillo was also employed there and Mr. Joe Carrillo, her husband, [58] was employed there for a time.

I know the witness Earl Goon, who testified here. I have known him for several years around Watsonville and I knew his father very well. I had occasion to do business with his father. During the month of April, 1940 I had occasion to go to the Independent Grocery Store in Watsonville. I went there with a Mr. Giorodoni. Sometime during the month of either the latter part of April or the first of May, 1940 this Mr. Giorodoni came to my place of business in Watsonville and asked for me, and at that time I had a conversation with him. He presented a card for me from a Louis Hirsh, a *jewelry* who had a store in San Jose and one in Salinas. I have known Mr. Hirsh for about twenty years. Back of the card that this Mr. Giorodoni presented to me was my name and address. At that time this Mr. Giorodoni told me that he would like to have some information about the town. He also asked me if I knew the Independent Grocer and I told him that I did. He thereupon asked if I would introduce him to them and I said that I would. We went to the Independent Grocery Store and we met Earl Chin whom is also known as Earl Goon. He is the gentleman who testified in this trial. At that time

(Testimony of Raymond Howard Jehl.)

there was a general conversation about the different things, commodities and among them was sugar. There was conversation about a price for sugar and also about an amount of sugar, about how much sugar he could get. At that conversation, there was no order placed with Mr. Goon for any sugar. Giorodoni and I then left the Independent Grocers and went back to my office. Giorodoni then thanked me for my courtesy and left me and said he would see me again. The next time I saw Mr. Giorodoni was at the Colonial Inn in San Jose and I believe that sometime, about the first week or the latter part of June, 1940. [59] At the time I first met Mr. Giorodoni in Watsonville, I told him that I was thinking of taking over the Colonial Inn in San Jose. Mr. Giorodoni came to the Colonial Inn on several occasions, sometimes he was alone and sometimes he would have other people with him, and quite often he and his party would stay for dinner.

On one occasion when Giorodoni came into the Colonial Inn, he asked me if I would do a favor for him, and I told him that I would. He asked me if I would take some money for him to the Independent Grocery in Watsonville. At that time I was going back and forth to Watsonville at intervals. At that time he gave me \$45.00 or \$50.00. I went to Watsonville that night. The following morning I went to the Independent Grocers there I saw Earl Chin and I gave him the money. I told him

(Testimony of Raymond Howard Jehl.)

Mr. Giorodoni had left this money with me for me to give to Mr. Chin and that Mr. Giorodoni had said for Mr. Chin to set aside some sugar and that he, Mr. Giorodoni, would have someone come in later and get it. That was all the conversation at that time. Sometime after that Mr. Giorodoni asked me again if I would take some money to Mr. Goon's grocery store, which I did. I believe that I did this on three occasions. At the time I had these conversations with Mr. Giorodoni and when I took the money to Mr. Goon for the sugar, I did not know what the sugar was to be used for and I did not know that it was to be used in connection with an illicit distillery. I learned for the first time in the latter part of August or the first part of September that this sugar had been used in an illicit distillery. One of the men who used to come into the Colonial Inn with Mr. Giorodoni came in one day and asked me if I knew that Mr. Giorodoni's still had been seized or knocked over. At first I thought he was joking, and I told him that I did not think [60] that Giorodoni was in that kind of business. He then asked me if anybody had questioned me and I asked him why. He then asked me if anybody had questioned me and I asked him why and he told me that I had taken some money to buy some sugar and that is the first time that I knew that the sugar that I had purchased was used in an illicit still. When I found that out I got in touch with Mr. Goon, that is Mr. Harry Goon, who is a brother

(Testimony of Raymond Howard Jehl.)

of Earl Goon. I tried to explain to him that the sugar that I purchased from him had been used in an illicit still and I told him not to give any more sugar to Giorodoni. After that I went to see Mr. Earl Goon and I did have a conversation with him in Watsonville. I told him what I had learned about Mr. Giorodoni and he told me that he had read about it in the newspapers. I later saw Mr. Earl Goon in Watsonville and he told me that he had been interviewed by the Government agents. I did not ask him to hold any information from the Government officers concerning my activity in connection with the purchase of the sugar.

I heard Mrs. Carrillo testify that in the early part of August or the first part of September, 1940, that I had a conversation with her at which were present her husband, Mr. Amizich and myself in which I am alleged to have told her that I was down in the dumps because of the fact that I had just come from San Francisco where I had bailed out some of my men in connection with a still. No such conversation ever took place, nor did I ever mention a still or bailing any men out to Mrs. Carrillo, nor did I at any time in my life bail anybody out. I know Mr. Rodrigues, I have known him around Watsonville for several years but I did not know him intimately. I knew his mother and brother. I did not at any time have any activity with Mr. Rodrigues in connection with this still or any other still. [61] The other defendant, Mr. Woodworth, I

(Testimony of Raymond Howard Jehl.)

met for the first time in Mr. Abrams' office. Mr. Abrams is my attorney and that was after I was indicted in connection with this case. I also heard Mr. Carrillo testify to this alleged conversation at which were present he, myself Mrs. Carrillo and Amizich. No such conversation as he testified to ever took place. I heard Mrs. Carrillo testify that sometime in the first part of August in the kitchen of the Colonial Inn that I had a conversation with her at which she and I alone were present in which I am supposed to have told her that it was awful to stand on a hill and see so many thousands of dollars going to waste. I never at any time had such a conversation with Mrs. Carrillo. I also heard Mrs. Carrillo testify that while I was negotiating with Mrs. Kaiser for the purchase of the Colonial Inn that I told Mrs. Kaiser at which time Mrs. Carrillo is alleged to have been present, that Mrs. Kaiser did not have to worry about her rent, that I was only going to use this place as a stopping off place. I did not at any time tell Mrs. Kaiser in the presence of Mrs. Carrillo that I merely wanted to use the Colonial Inn for a stopping place and that she did not have to worry about her rent. Mrs. Kaiser owned the Colonial Inn part of the time that I went there and I leased the place from Mrs. Kaiser. I withdrew from the Colonial Inn in September of 1940 as a result of a law suit which was filed against me by the Kaisers. That lawsuit was subsequently settled and the Kaisers were back in

(Testimony of Raymond Howard Jehl.)

possession of the Colonial Inn and as far as I know, they are still running the place. I also heard Mrs. Carrillo testify that in the latter part of August, 1940 that I told Mr. Amizich, the bartender, in her presence to look after the place, or words to that effect, because things were getting hot for me and I had to go to Reno for a few days. No such [62] conversation ever took place, nor did I go to Reno at or around that time. I heard Mrs. Carrillo testify that sometime prior to the last trial of this case which commenced on June 12th that I in company with Mr. Woodworth and Mr. Rodrigues went to the Colonial Inn, that Mr. Woodworth and Mr. Rodrigues entered the inn and that I had a conversation with Mrs. Carrillo in my car in which I told her, after she had told me she had been interviewed by the Government officers, "Remember, you don't know nothing". I did go to the Colonial Inn with Mr. Woodworth and Mr. Rodrigues at about that time and I did have a conversation with Mrs. Carrillo. I told her that my attorney had advised me to stop by on my way home and see whether she had been called as a Government witness because he understood she was called and I did not know what she knew about the case, it was a puzzle to me, and my attorney wanted to know what she could be called as a witness for. She told me at that time that some officers had been to see her but she didn't know anything. Prior to going to see Mrs. Carrillo, on this occasion, I had been in my attorney's office,

(Testimony of Raymond Howard Jehl.)

Mr. Abrams. At that time Mr. Gould, the attorney, was also there, and Mr. Woodworth and Mr. Rodrigues. That was a few days prior to the last trial while we were getting ready for trial. Mr. Abrams asked me what Mrs. Carrillo could know about the case and I told him that I didn't know anything that she could know regarding the case. On the occasion that I went to Mr. Abrams' office I had come from Watsonville alone. When I got to Mr. Abrams' office Mr. Woodworth and Mr. Rodrigues were there. Mr. Gould asked me if I would drive him home and I said that I would and I drove him back to Watsonville.

Cross Examination

At the time to which I refer, Mr. Abrams was my attorney [63] and Mr. Gould was Mr. Woodworth's attorney. Mr. Gould and Mr. Abrams have offices in the same building. I don't know whether they have the same offices or not, we all met in Mr. Abrams' office. I do not know who Mr. Rodrigues' attorney was, but Mr. Rodrigues was there consulting his attorney also. I do not know whether Mr. Rodrigues was represented by Mr. Abrams or by Mr. Gould, but he was there as a client of either one of them.

I moved over to San Jose because of ill health and because I thought it would be beneficial to my health. I did not take my wife and daughter with me because they were living at my home in Watson-

(Testimony of Raymond Howard Jehl.)

ville. I went by myself to San Jose until such time as I could become established. I had a business established in Watsonville and after I could regain my health, I wanted to stay in Watsonville. If I could become equally established in San Jose, naturally being better for my health, I would stay there permanently. I went to San Jose in May of 1940 and went into the night club business and I stayed there until September 1940. In September 1940 I would have liked to stay in San Jose but business was not so good. If I could be established permanently in San Jose as I was in Watsonville, I would have stayed in San Jose, but I went into the night club business in San Jose, I was also in the real estate business in Watsonville. At that time we were agents for a subdivision being built just outside of Watsonville, and I was partially active in that.

This Mr. Giorodoni first came to see me in the early part of May of 1940. I believe it was in the early afternoon and he came to my office in Watsonville. He first asked for Raymond Jehl and I walked up to the counter and he handed me a card of Louis Hirsh, the jeweler, with my name and address on the back of it. [64] Mr. Hirsh has a jewelry store in San Jose and one in Salinas. I do not know which one of the stores the card was sent from. I have not the card that was presented to me by Mr. Giorodoni nor have I looked for it, nor do I know where it is. My name and address

(Testimony of Raymond Howard Jehl.)

was on the card. Mr. Giorodoni and myself talked about different things and different merchants in the town. He particularly asked me if I knew the Independent Grocers and if I knew the owners and I told him that I did. He then asked me if I would introduce him to the owners of the Independent Grocery and show him where they were. I then took him over to the Independent Grocers and there I saw Earl Chin whom I now know as Earl Goon. I introduced Mr. Giorodoni to Mr. Chinn. I do not remember the exact words that took place on that occasion. I presume that I could have said something about Mr. Giorodoni being a prospective customer. Mr. Giorodoni had not told me that he wanted to purchase anything prior to that time, he merely wanted me to introduce him and to show him where the place was. Mr. Giorodoni and Mr. Goon discussed things and I heard them talk about the price of sugar and the amount. I was just a spectator there. At that time I thought I was doing a favor for Mr. Hirsh as well as for Mr. Giorodoni. The next time I saw Mr. Giorodoni was at the Colonial Inn in San Jose. That would be about two weeks after I first introduced him to Mr. Goon. At that time I was in the restaurant and cafe business and we had liquor and sold liquor upon the premises. Sometimes we had a three-piece orchestra and sometimes we did not have any music. Sometimes Giorodoni came to the Colonial Inn with one person and sometimes alone and sometimes he would

(Testimony of Raymond Howard Jehl.)

have three or four in his party. I believe he came in one or two times before he asked and spoke to me about the sugar and in those occasions there was just general conversation. One night when [65] he was there he came over and asked me if I would do a favor by taking some money to Watsonville, for him to the Independent Grocers. He told me to tell them to set aside or put aside, or hold, something like that, some sugar, and that he would have someone pick it up later. He did not say who he would have to pick it up. He may have told me to give the money to Mr. Chinn and hold out that much sugar. My best recollection is that he asked me if I would take the money to the Independent Grocers. After this first occasion when he asked me to take money to the Independent Grocers I believe that he came into the place quite often. I am not certain on the second occasion when he asked me to take money to the Independent Grocers, it may have been a week, it may have been the following day. I don't know just exactly when it was. My best recollection is that it was approximately two weeks after the first time when he asked me to take the money down for sugar that he spoke to me about it again and that he then asked me if I would take some money down to the Independent Grocers and I told him that I would and he gave me the money. I did not go to Mr. Goon's the same night but I went there with the money two or three days later. Before going down on this second occasion

(Testimony of Raymond Howard Jehl.)

I phoned Mr. Goon. I had told Mr. Giorodoni that I was going down that night but later I found that I couldn't go that night because I wasn't feeling well and I did not want to inconvenience Mr. Giorodoni so I phoned Mr. Goon and told him that Mr. Giorodoni had left some money with me for him. I think it was \$45.00. I also told him to let the man have whatever Mr. Giorodoni had ordered and the first time I was in Watsonville I would give him the money. I presume it was sugar that he had ordered the same as before. I do not recall exactly when the third occasion was that I ordered the sugar or paid for the sugar. I really didn't think I was ordering it. Later a man came into [66] the Colonial Inn whom I had seen with Mr. Giorodoni and he asked me if I knew about Mr. Giorodoni losing his still. The man that came in I knew by sight. He was short, sort of dark-complected with a heavy head of hair and I would say he was around thirty-six or thirty-eight years of age and may have been either an Italian or a Slovenian. Mr. Giorodoni was a larger man, much taller, and I should judge to be a man of around one hundred ninety or one hundred ninety-five pounds. He was either Italian or Slovenian, too. When this man told me about Mr. Giorodoni's still having been knocked over, I told him he did not appear to me to be in that type of business and that I thought it was a joke. He then asked me if anybody had been in to

(Testimony of Raymond Howard Jehl.)

question me and I asked him why anyone should question me and he said, well, that I had been taking money down to the store in Watsonville that was used to buy sugar. I first asked him how he knew that and he told me that Mr. Giorodoni had told him. I knew that I was ordering sugar from Mr. Goon. It is not true that I ordered sugar six or seven times. I never took money down there more than three times. After I heard the still had been knocked over, I did telephone Mr. Goon to tell him what I had heard. When this party told me about the still and my carrying money down there and it being used for ordering sugar I was worried. I phoned to Mr. Goon to tell him I had introduced this man to Mr. Goon and if I was getting Mr. Goon into trouble I wanted to stop him. At the same time I was worried myself and I did not want to get Mr. Goon into any deeper trouble. The first time I told Mr. Goon to set aside sugar for Mr. Giorodoni. The second time I did not know what it was for but I told Mr. Goon that I had \$45.00 that Mr. Giorodoni had told me to give him. I don't remember about the third time, but it seems to me that I did go down there three times, but I don't recall. [67] I don't quite recall it but I think that I did. The telephone call that I have testified to was in regard to the second occasion when I went down because I could not go down that night and I didn't want to inconvenience either Mr. Giorodoni or Mr. Goon and it was probably two or three days

(Testimony of Raymond Howard Jehl.)

later that I took the money down to Mr. Good. I really couldn't tell you what business I thought Mr. Giorodoni was in but the type of man that he was, he did not appear to be a man that would be monkeying around with something like that. He didn't tell me what line of business he was in. I formed the opinion that it would be in a pretty fair line of business and he did not tell me what he was ordering the sugar for. The first time that I knew anything about a still was when this man came in and told me about Mr. Giorodoni losing the still and that conversation took place in the Colonial Inn. At the time that this conversation took place, Mrs. Carrillo was in the Colonial Inn and the bartender was there. The occasion when this man came in was sometime in the latter part of August or the first part of September. At that time the bartender was present on the premises and so was Mr. Carrillo. She was on duty, I don't know whether or where she was but whether she was right there or around me or not. I got out of the night club business either in September or in October of 1940. After this short man came in to see me I went down to see Mr. Goon because I could not reach him on the phone and I was worried about it myself and I was worried if I had caused him any trouble by having introduced this man to him. I was worrying about his continuing in the same way when I found out that something was wrong, that it was the wrong kind of business for him to be

(Testimony of Raymond Howard Jehl.)

doing, and I wanted to let him know and stop him. I was worried about myself and [68] I was worried about Mr. Goon and thought the best thing to do was to try to stop him. I did not want to get mixed up in a thing like that and I did not want this man I introduced him to to become mixed up in it either. I was worried when this man told me that I had been ordering sugar because I had asked him what the sugar was for and he told me that is what they made the liquor out of and at that time I thought the sugar was used in the operation of a still.

In response to your Honor's question I would say that it was about the middle of August that I last saw Mr. Giorodoni. He had come into my place on several times. There were women in the party, sir, when they came in there. I do not know where he lives and I never asked him his business, nor do I know where he lives now and I do not know where he is now. I have endeavored to find out where he is.

Whereupon the defendants rested.

Whereupon the defendant, Jehl, moved the court for a directed verdict of not guilty and renewed the motion made at the conclusion of the Government's case in chief, which motion for a directed verdict was by the court denied, to the denial of which the defendant then and there duly and regularly excepted.

Rebuttal Testimony by the Government

Testimony of

DAVID LEVIN

David Levin, a witness called by the United States in rebuttal, being first duly sworn, testified substantially as follows:

My name is David Levin and I operate a business of salvaging and buying scrap iron and so forth in San Jose and I was in that business during the year 1940. I know the defendant Lester Woodworth [69] and I did business with him in the scrap iron business. I identify him as being the defendant on trial. I did do business with him during the year 1940. I have brought with me check stubs showing the payments that I made to Mr. Woodworth for scrap iron during the year 1940. They are all my checks and represent moneys that I have paid to Mr. Woodworth by check for scrap iron during 1940.

At which time the checks were offered in evidence and marked U. S. Exhibit 11.

Whereupon, by stipulation, the dates, amounts and names of the checks were read into evidence and they are substantially as follows:

Pay to the order of L. A. Woodworth, \$35.00, San Jose, California, 2/10/40.

Pay to the order of L. A. Woodworth, \$25.00, San Jose, California, 1/27/40.

Pay to the order of L. A. Woodworth, \$19.79, San Jose, California, January 30, 1940.

(Testimony of David Levin.)

Pay to the order of L. A. Woodworth, \$22.00, San Jose, California, 2/16/40.

Pay to the order of L. A. Woodworth, \$26.27, San Jose, California, 2/23/40.

Pay to the order of L. A. Woodworth, \$32.40, San Jose, California, 9/23/40.

Pay to the order of L. A. Woodworth, \$16.58, San Jose, California, September 26, 1940.

Pay to the order of L. A. Woodworth, \$18.00.

I do not remember seeing the defendant Woodworth during the months of May, June, July or August or the latter part of September, [70] 1940. Of course, there are times when I am not there. I have a partner in the business and he does the buying when I am out. I cannot definitely recall whether I saw him during the period of time you mention or not.

Cross Examination

I was not always present when Mr. Woodworth brought scrap iron to our place of business. On some occasions my brother was there and some of the checks are signed by him. We did not always pay Mr. Woodworth by cash. I would say that these checks represent about fifty percent of the purchases and the rest of them would have been by cash. It is possible that he was paid for some payments by cash. I notice that two of the checks are dated September 23rd and September 26th. It is possible that he could have been paid by cash dur-

(Testimony of David Levin.)

ing that period of time. I have no definite recollection on it. It is also possible that during the months of May to August, he may have been paid by cash, though I have no checks showing any payments and I cannot say definitely that he was not paid by cash during that period of time. I also know that during that period of time Mr. Woodworth was selling scrap to other dealers in and around San Jose.

Testimony of

CHARLES J. HEALEY

Charles J. Healey, a witness called by the Government in rebuttal, by the Government first duly sworn, testified substantially as follows:

My name is Charles J. Healey and I am a Captain, Quartermaster Corps, United States Army and I am now stationed at Camp McQuaide, near Watsonville, California, and I hold the official [71] position as Post Quartermaster. Camp McQuaide was a National Guard encampment place. During the month of January, 1940, the 250th Coast Artillery of the California National Guard was stationed at Camp McQuaide. They were stationed there for a period of one week in what we call a winter camp and winter training. During the months of February, March, April, May and June of 1940 there were no troops stationed at Camp McQuaide. During the last two weeks of July, 1940

(Testimony of Charles J. Healey.)

and the first week of August, 1940, the 250th Coast Artillery was stationed there. On September 15th, 1940 that regiment was called into active service and was then stationed at Camp McQuaide. I did not know in April, May or June of 1940 that the National Guard would be called out in September 1940. A camp tender would not have authority to enter into a contract for the disposal of garbage, nor would a sergeant have such authority. It would have to be done by the Post Quartermaster, that is either by the Post Quartermaster or by one of his designated commissioned assistants. The camp tender would not necessarily be asked to make an investigation or to make contact with possible persons that might be interested in the disposal of the garbage. The camp tender would not on any occasion that I know of ever take the matter up with his superior officer, making suggestions in that regard. Contacts would generally be made from the office by a bidders' list. That is according to the army regulations and practice to put the garbage out to the highest bidder on a contract basis and that is true as long as I have been Quartermaster at Camp McQuaide, that is, since November, 1940. I know that the army regulations so provide and I have no personal knowledge of [72] what took place at Camp McQuaide before I went there. I do not know how it was handled in 1939. I have no way of knowing whether or not part of November, 1940, garbage was given away to a person without any

(Testimony of Charles J. Healey.)

compensation being paid to the Government. I have never known of such an instance. I did not know Mr. Boch when he was at Camp McQuaide in January, February, March and April of 1940. The Post Quartermaster signs the contract for the final disposal of the garbage. In May of 1940 I was stationed in Los Angeles. There are possibly three or four national guard camps in California. It has been customary during the past two or three years for the 250th Coast Artillery, which was the San Francisco National Guard regiment to have their summer training at Camp McQuaide. In 1940 it was held in July, the last two weeks in July and the first week in August.

Redirect Examination

Up until the time of the emergency, the National Guard was only called out once a year for a period of two weeks, with the exception of the year 1940 when they were called for one week more.

Recross Examination

I do not know of any specific instance when these camps would be used by the regular army for stopping over places or what they call bivouac or one or two night stands. It could be possible. I do not know of my own knowledge, that in the early part of 1940 that such was the case with regard to the regular army in Camp McQuaide. If Mr. Bock so testified, I would not say that it was incorrect.

(Testimony of Charles J. Healey.)

Further Direct Examination

In other words, it is possible that they could have been [73] there for a one-night stand. When a military organization is on the march, if they have to bivouac for the night, naturally they like to pick an army post rather than rent private land and pay compensation for it.

Testimony of

CLAY GAINES

Clay Gaines, a witness recalled in rebuttal by the Government, testified substantially as follows:

Direct Examination

Sugar is a very essential element in distilling alcohol.

Testimony of

LOUIS HIRSH

Louis Hirsh, a witness called by the United States in rebuttal, being first duly sworn, testified substantially as follows:

My name is Louis Hirsh and I reside in Salinas, California and I am in the jewelry business. I know the defendant Raymond Jehl and I would say that I have known him from twelve to fifteen years. I have been established in the jewelry store business since June of 1940 in Salinas. I do not know a

(Testimony of Clay Gaines.)

man by the name of Giorodoni. I did not during the month of April, May or June of 1940 give one of my business cards or a business card of Louis Hirsh, Jeweler, to a man by the name of Giodoni to be delivered to Mr. Raymond Jehl of Watsonville, California.

Some day last week I had a conversation with Mr. Jehl in my place of business in Salinas. Mr. Jehl wanted me to remember the fact that this particular person came in and that I had given him the card and as far as I know I don't remember any time doing anything like that. I told Mr. Jehl I did not know anything about it. He just wanted me to try and remember that case and to come up here and tell the court about it. I told him that I did not know anything of the [74] kind and that I would not do it. He asked me about it several times and let it go at that. I told him to do so would be telling an untruth and that I would not do that.

Cross Examination

I have known Mr. Jehl for about fifteen years and I have known him pretty well during that period of time. If anyone did come in and ask me about real estate business in Watsonville, I naturally would probably send them to him, but I don't remember sending any one. I imagine Mr. Jehl would send people to my jewelry store too. I know Mr. Jehl himself has been in the store and has bought from us. When Mr. Jehl came and

(Testimony of Clay Gaines.)

talked to me about it a few days ago, it is true that he asked me if I remembered having sent this man to him and I told him I did not remember anyone coming in for that. He seemed to be sure that it was a fact that I had sent this man to him and that the man had come in with a card from me, but I didn't remember anything about it. Mr. Jehl told me he was sure that I had sent a man with this card to him and I told him I could not remember it. One of the reasons that I did not want to come up here was that my father objected to my being a witness in the Federal Court and the other reason was that I did not remember any case like that coming up. I told Mr. Jehl that I could not get away from the store. I am **thirty-five** years of age. At that time I did not realize the importance of this thing. It didn't seem like anything at all at the time and Mr. Jehl asked me to come up here and tell the court that I sent a man over to him, and I didn't pay a great deal of attention to it at that time, but I didn't send anybody. It is true that Mr. Jehl told me that I had sent his man to him and I told him I did not remember it and he said, he remembered it because it would make me remember it. That is, he tried to refresh my recollection. [75] I told Mr. Jehl that I would get in touch with him at my father's jewelry store in San Jose last Sunday and let him know whether I would do anything, whether I would come up and testify and I did not keep that

(Testimony of Clay Gaines.)

appointment. I called up and broke it. Mr. Jehl did not tell me he wanted me to come up here to perjure myself. He told me he wanted me to come up and tell about this man.

Redirect Examination

When I told Mr. Jehl that I could not remember such a man, he still wanted me to come up here and testify.

Recross Examination

Mr. Jehl did not say anything about false testimony. He was insisting all the time that I had sent this man to him.

Further Redirect Examination

I told him that I would not testify to that effect unless I was positive.

Further Recross Examination

When I say I was not positive, it could have happened, but I don't remember any question like that coming up.

Testimony of

JOHN BECKER

John Becker, called as a witness by the United States in rebuttal, being first duly sworn, testified substantially as follows:

My name is John Becker and I am a Special

(Testimony of John Becker.)

Investigator of the Alcohol Tax Unit of the Bureau of Internal Revenue. Under the regulations of the Internal Revenue Department, it is not necessary for a person selling sugar to advise the Internal Revenue Department except when they have been previously notified by the Supervisor so to do. I made an examination of the records of the Internal Revenue Depart- [76] ment and I find that the Independent Grocery Store of Watsonville were not under obligation to notify the Department.

Surrebuttal on Behalf of Defendant

Testimony of

LESLIE A. WOODWORTH

Leslie A. Woodworth, one of the defendants, who had previously been sworn, was called as a witness in surrebuttal in his own behalf, and testified substantially as follows:

Between the months of August and March of 1941 I sold scrap iron to Levin Bros. I would say that I received payment for such scrap iron about one-third of the time by check, the other times by cash. I saw the witness Dave Levin on the stand here. I have done business with both he and his brother, Henry Levin. I believe I did more business with the brother Henry than I did with David. At the time that Mr. Bock told me that the deal for the garbage had fallen through, he told me that the reason for it was that the Army was going to ask

(Testimony of Leslie A. Woodworth.)

for sealed bids. The first conversation that I had with him about garbage in 1939, he told me that the Government at that time had to pay about \$250.00 a month for the removal of the garbage and I was willing to make arrangements whereby I would do it without compensation. When he told me that the deal had fallen through, he told me that the person who received the contract for the removal of the garbage was going to have to pay the Government for the removal of it.

Cross Examination

It is possible that on my direct examination when I told you that I could not remember whether I sold scrap iron to Levin Bro. in the month of May, 1940 and that the same answer was true of June, July and August, I do not have a full recollection that I sold [77] scrap iron to them during that full period of time. However, I sold it several different places and when I did sell, I sold most of it to Levin Brother that was not here this morning.

Testimony of

RAYMOND H. JEHL

Raymond H. Jehl, one of the defendants, who has previously been sworn, was called as a witness in his own behalf in surrebuttal, and testified substantially as follows:

I heard the testimony of Mr. Hirsh this morning. It is true that I went to see him and that I did

(Testimony of Raymond H. Jehl.)

have a conversation with him concerning the man that had been sent to me by him. After I had asked him about the man he had sent to me, he did not recall having sent him to me, and I was trying to recall it to him and I finally got it inveigled into his mind that he did send a man. He also admitted that he had sent other people to my office and he also told me at that time that his father objected to his coming to court to testify. I told him my attorneys were coming down to see him and made an appointment for him to meet them last Sunday. I did not tell Mr. Hirsh to come up here and testify falsely.

Cross Examination

Mr. Hirsh told me that he had sent men to my office on several occasions. I have known the Hirsh family for years. I knew his father over a period of fifteen years. There were many men that he sent to me. I do not know exactly, it could be hundreds. They would be friends and so forth. I know Al Hirsh. I talked to him on the phone last week. He did not at that time tell me to lay off his brother Louis. He did not tell me that Louis was not going to commit perjury for anybody. [78]

Testimony for the Government in Rejoinder

Testimony of

ALEX. B. HIRSH

Alex. B. Hirsh, a witness called by the Government in Rejoinder, being first duly sworn, testified substantially as follows:

My name is Alex B. Hirsh and I live in San Jose, California and I am in the jewelry business. I am a brother of Louis Hirsh who runs a jewelry business in San Jose. I know the defendant, Raymond Jehl and I have known him for many years, from twelve to fifteen years. I had occasion to talk to Mr. Jehl during the past week or so. It was on Sunday of last week. At that time I was in Big Sur. I recognized Mr. Jehl's voice over the telephone. I put a person to person call to him. At that time I told him not to try any longer to get in touch with my brother, because he was not going to have anything to do with the matter that Raymond wanted him to take care of, and Mr. Jehl then said to me, "I don't want to talk about it over the telephone", and the conversation ended. I told him that Louis was not going to commit perjury for anybody.

Cross Examination

Mr. Jehl did not ask me to commit perjury. I have known him for many years and he has had business relations with us and he has been a good customer and he has sent people to our store. I do not think that prior to the trial I had occasion

(Testimony of Alex B. Hirsh.)

to talk to Louise or whether or not he had sent any one to Mr. Jehl. Since Raymond has contacted my brother regarding this case, my brother has talked to me about it and he said he did not want to have anything to do with it, and naturally, I told him not to have anything to do with it. It seems my brother was told of a certain party or to tell of a certain party coming into the store and being sent to Raymond. [79] We discussed it and tried to think back and couldn't remember, didn't know anything about it. That is the only discussion we had regarding sending anyone to Raymond. My brother and I thought that together and we both determined that my brother Louis had not sent anyone to Mr. Jehl's place of business. Mr. Jehl did not as far as I know at any time ask my brother to testify falsely in this case. My father and I did not object to my brother being involved in a case in Federal Court, but we did object to my brother committing perjury.

Whereupon, both the Government and the defendants rested their cases.

Thereafter, the cause was argued to the jury by counsel for both the Government and for the defendants.

Thereafter, the argument having been concluded, the court proceeded to instruct the jury.

The instructions of the court are not here in-

cluded in this Bill of Exceptions for the reason that no exceptions were taken to the charge of the court by the defendants and no point is now made on this appeal, but the court did not properly instruct the jury on questions of law.

Thereafter, instructions of the court having been concluded, the case was submitted to the jury and thereupon at 2:10 o'clock P.M. on Friday, June 27th, 1941, the jury retired to deliberate upon their verdict. That thereafter, at 3:40 o'clock P.M. of the same day the jury returned to court with a verdict which found the defendants and each of them guilty on all nine counts of the indictment.

Thereupon, counsel for the defendant Jehl moved the Court for a new trial upon all the statutory grounds, particularly, that [80] the evidence was insufficient as a matter of law to sustain the verdict, which motion for a new trial was by the court denied, to the denial of which exception was taken.

Thereupon, counsel for the defendant Jehl moved the court in arrest of judgment upon all the statutory grounds which motion in arrest of judgment was by the court denied.

The said motion for a new trial and in arrest of judgment having been denied, the court proceeded to the passing of judgment upon the defendants and thereafter, and on June 27th, 1941, the court imposed judgment and sentence as follows:

That the defendants, and each of them, be imprisoned for a term of two years on each of counts 1, 3, 4, 5, 6 and 9 of said indictment, and for a term

of three years on count 7 of said indictment; the terms of imprisonment on counts 1, 3, 4, 5, 6 and 9 to run concurrently and the term of imprisonment on count 7 to run consecutively with and at the expiration of the sentences on counts 1, 3, 4, 5, 6 and 9, and said defendants to pay fines in the sum of on count 1, \$500.00; count 2, \$1,000.00; count 3, \$500.00; count 4, \$100.00; count 5, \$500.00; count 6, \$500.00; count 8, \$500.00; and to pay penalty in the sum of, on count 1, \$100.00 and count 2, \$100.00. The said terms of imprisonment to be served in the United States Penitentiary to be designated by the Attorney General of the United States.

That the above Bill of Exceptions contains all of the evidence, oral and documentary, and all of the proceedings relating to the trial, conviction and motion for a new trial, motion in arrest of judgment and judgment and sentence. [81]

Dated: September 3rd, 1941.

JAMES B. O'CONNOR

Attorney for Defendant Raymond Jehl [82]

[Title of District Court and Cause.]

STIPULATION RE EXHIBITS

It is hereby stipulated by and between the attorney for the United States and the attorney for the defendant in the above entitled action that the original exhibits that were introduced in the course

of the trial of the above entitled action may be made a part of this Bill of Exceptions and included herein as a part hereof.

Dated: September 17, 1941.

JAMES B. O'CONNOR

Attorney for Defendant

FRANK J. HENNESSY

United States Attorney

VALENTINE C. HAMMACK

Assistant United States At-
torney

Attorney for Plaintiff

So ordered:

A. F. ST. SURE

United States District Judge.

[83]

[Title of District Court and Cause.]

STIPULATION RE BILL OF EXCEPTIONS

It is hereby stipulated by and between the attorney for the United States and the attorney for the defendant that the foregoing Bill of Exceptions on behalf of the above named defendant on appeal herein to the Circuit Court of Appeals, in and for the Ninth Circuit, has duly been presented within the time allowed by law and rules, and the orders of this Court duly and regularly made in this behalf, and the proposed amendments of plaintiff herein to said Bill of Exceptions have been con-

ceded to be correct by defendant and have been incorporated herein and that the same is in proper form and conforms to the truth and that it may be settled, allowed, settled and authenticated by this Court as the true Bill of Exceptions herein on behalf of said defendant and that it may be made a part of the record in this case.

Dated: September 17, 1941.

JAMES B. O'CONNOR

Attorney for Defendant

FRANK J. HENNESSY

United States Attorney

VALENTINE C. HAMMACK

Assistant United States At-
torney

Attorney for Plaintiff [84]

[Title of District Court and Cause.]

ORDER SETTLING, ALLOWING AND AU-
THENTICATING BILL OF EXCEPTIONS
AND MAKING THE SAME PART OF THE
RECORD

The foregoing Bill of Exceptions duly presented by the defendant, Raymond H. Jehl, and duly agreed to by the respective parties hereto, having been presented to the Court within the time allowed and required by law and by the rules and order of this Court duly and regularly made in that behalf, is hereby settled, allowed, signed and authenticated as in proper form and in conformity with

the truth and as the true Bill of Exceptions herein, and is hereby made a part of the record in this case.

Dated: September 18, 1941.

A. F. ST. SURE

United States District Judge

[Endorsed]: Lodged Sept. 3, 1941. Filed Sep. 18, 1941. [85]

[Title of District Court and Cause.]

NOTICE OF APPEAL

Name and address of appellant: Raymond H. Jehl, Watsonville, Santa Cruz County, California.

Name and address of appellant's attorney: James B. O'Connor, Balfour Building, San Francisco.

Offense: Sections 2810(a), 2812, 2814(a), 2833(a), 2834, 2834, 3320, Internal Revenue Code; and Section 88 of Title 18, U.S.C.A. Violation of the Internal Revenue Laws respecting illicit stills, and conspiracy to violate the same.

Date of Judgment: June 27, 1941.

Brief description of judgment or sentence: The defendant was sentenced by the above entitled Court to a total period of five years in the United States Penitentiary, to total fines of \$3600.00, and to certain penalties.

Name of prison where now confined, if not on bail; County Jail of the City and County of San Francisco.

I, the above named Appellant, hereby appeal to the United States Circuit Court of Appeals for the Ninth Circuit from the judgment above mentioned on the grounds set forth hereafter.

Dated: June 30th, 1941.

RAYMOND H. JEHL

Appellant [86]

Grounds of Appeal:

(1) The insufficiency of the evidence as a matter of law to sustain the findings of the trial court that the defendant was guilty of the offenses charged.

(2) The trial court erred in denying defendant's motion for an order finding him not guilty of each and every count of the indictment because of the insufficiency of the evidence to sustain the conviction as a matter of law.

(3) The court erred in reception of evidence during the course of the trial, to the reception of which evidence the defendant objected and excepted.

(4) The court erred in his instructions to the jury wherein he made reference to the fact that there had been a former trial of the same case wherein the jury had disagreed, and in stating to the jury that other and different evidence had been offered at the trial at which defendant was convicted.

(5) The court erred in denying defendant's motion for a new trial.

(6) The court erred in denying defendant's motion in arrest of judgment.

Dated: June 30th, 1941.

JAMES B. O'CONNOR

Attorney for Appellant

[Endorsed]: Filed Jun. 30, 1941. [87]

[Title of District Court and Cause.]

ASSIGNMENT OF ERRORS

Raymond H. Jehl, the defendant in the above entitled action, and plaintiff on appeal herein, having appealed to the United States Circuit Court of Appeals, in and for the Ninth Circuit from the judgment and sentence entered in the above entitled cause against him, and said defendant having given notice of appeal, as provided by law, now makes and files the following Assignment of Errors herein, upon which he will rely for a reversal of said judgment and sentence upon appeal, and which errors and each of them are to the great detriment, injury and prejudice of said defendant and in violation of the rights conferred upon him by law, and the defendant says that in the recorded proceedings of the above entitled cause upon the hearing and determination thereof, in the Southern Division of the United States District Court for the Northern District *Court* of California, there is manifest error in this, to-wit:

I.

That the court erred in denying the motion of the defendant for a directed verdict of not guilty at the conclusion of the testimony [88] offered on behalf of the United States upon the ground that the evidence was insufficient as a matter of law to support a conviction at the conclusion of the Government's case in chief.

To which ruling of the court, the defendant duly and regularly excepted.

II.

That the court erred in denying the motion of the defendant for a directed verdict of not guilty made at the conclusion of the case for the defendants upon the ground that the evidence was insufficient as a matter of law to sustain a conviction under said indictment.

To which ruling of the court, the defendant duly and regularly excepted.

III.

That the court erred in denying defendant's motion for a new trial.

To which ruling of the court, the defendant duly and regularly excepted.

IV.

That the court erred in denying the defendant's motion in arrest of judgment.

To which ruling of the court, the defendant duly and regularly excepted.

Wherefore, for the manifest errors committed by the court, the defendant prays that said judgment and conviction and sentence be reversed, and for such other and proper relief as to the court [88A] may seem meet and proper.

Dated: September 3rd, 1941.

JAMES B. O'CONNOR,
Attorney for Defendant
and Appellant [89]

District Court of the United States
Northern District of California

CERTIFICATE OF CLERK TO TRANSCRIPT
OF RECORD ON APPEAL

I, Walter B. Maling, Clerk of the District Court of the United States, for the Northern District of California, do hereby certify that the foregoing 89 pages, numbered from 1 to 89, inclusive, contain a full, true, and correct transcript of the records and proceedings in the case of United States vs. Raymond H. Jehl No. 27235-S, as the same now remain on file and of record in my office.

I further certify that the cost of preparing and certifying the foregoing transcript of record on appeal is the sum of \$4.80 and that the said amount has been paid to me by the Attorney for the appellant herein.

In witness whereof, I have hereunto set my hand and affixed the seal of said District Court at San Francisco, California, this 29th day of September, A. D. 1941.

(Seal)

WALTER B. MALING,
Clerk.

J. P. WELSH,
Deputy Clerk. [90]

[Endorsed]: No. 9905. United States Circuit Court of Appeals for the Ninth Circuit. Raymond H. Jehl, Appellant, vs. United States of America, Appellee. Transcript of Record Upon Appeal from the District Court of the United States for the Northern District of California, Southern Division.

Filed October 2, 1941.

PAUL P. O'BRIEN

Clerk of the United States Circuit Court of Appeals for the Ninth Circuit.

United States Circuit Court of Appeals
for the Ninth Circuit

Case No. 9905

RAYMOND H. JEHL,

Defendant and Appellant,

vs.

UNITED STATES OF AMERICA,

Plaintiff and Respondent.

STATEMENT OF POINTS AND DESIGNA-
TION OF PARTS OF RECORD TO BE
PRINTED

Raymond H. Jehl, the defendant and appellant in the above entitled action, hereby files herewith the following statement of the points upon which he intends to rely upon this appeal and herewith designates the parts of the record which he thinks necessary for the consideration thereof.

STATEMENT OF POINTS UPON WHICH HE
INTENDS TO RELY

That the Court below erred in denying defendant's motion for a directed verdict made at the conclusion of the case of the United States and at the conclusion of the case of the defendant, which motions were made upon the ground that the evidence was insufficient as a matter of law to sustain a conviction.

PARTS OF THE RECORD NECESSARY FOR
CONSIDERATION OF APPEAL

Defendant and appellant designates the entire record [91] filed in this Court as necessary for a proper consideration of this appeal.

Dated: October 31st, 1941.

JAMES B. O'CONNOR

Attorney for Defendant
and Appellant

Received a copy of the within Statement of Points and Designation of Parts of Record to be Printed is hereby admitted this day of October, 1941.

FRANK J. HENNESSY

United States Attorney

By W. F. MATHEWSON

Assistant United States Attorney

[Endorsed]: Filed Oct. 31, 1941. Paul P. O'Brien,
Clerk.